

ORDER OF DISMISSAL

IT IS HEREBY ORDERED this 27th day of April, 1993
by the County Board of Appeals of Baltimore County that said appeal
be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Michael B. Sauer
Michael B. Sauer

John G. Disney
John G. Disney

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
E/S Pleasantville Road, 1900'	
NE of Fork Road	* ZONING COMMISSIONER
13713 & 13801 Pleasantville Rd.	
11th Election District	* OF BALTIMORE COUNTY
6th Councilmanic District	
	* Case No. 92-343-SPH
Michael DiPaula, et ux	
Petitioners.	*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This case comes before the Zoning Commissioner as a Petition for Special Hearing filed by Michael and Nancy DiPaula, property owners of a significantly sized tract known as 13713 Pleasantville Road near Baldwin, in Baltimore County. The Petitioners seek a determination of the application of R.C.2 density regulations to their property, which consists of approximately 120 acres, and an adjacent property owned by Theodore L. Cypull, Jr., which contains approximately 45 acres. In addition to the request for a determination of the applicable density units for these two parcels, the Petitioners also seek a decision overruling the conclusions made by James E. Dyer, Zoning Supervisor, in his letter dated January 22, 1992.

Appearing at the public hearing on this matter was the Petitioner, Michael DiPaula. He was represented by Darryl G. Fletcher, Esquire. Also testifying on behalf of the Petition was Norman E. Gerber, an expert land planner and former Director of Baltimore County's Office of Planning and Zoning. Residents in the locale who appeared in support of the Petition included Charlotte Pine, Edwin C. Gibbons, Jr. and Earle K. Alexander. Appearing as Protestants were Theodore L. Cypull and Timothy S. Cypull. They were represented by R. Bruce Alderman, Esquire and Thomas Alderman.

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Date 9/30/92
By JS

The history of the subject properties and an understanding of the chain of title of same is necessary to appreciate the issue presented. The Protestant, Theodore L. Cypull, Jr., was originally the sole owner of a significant tract of land in Northern Baltimore County which encompassed both of the subject properties. By way of inheritance and acquisition, Mr. Cypull originally owned 310.52 acres. In 1967, he deeded approximately 117 acres of his holdings to the State of Maryland for inclusion into the State's Park Program. Later that same year, additional residential lots were created by way of transfer by Mr. Cypull of part of his property. This transfer included four residential lots to the south of the Cypull property along Pleasantville Road and four additional lots to the north of the property, also adjacent to Pleasantville Road. These residential lots were created in March 1976 and October 1976, respectively. It is agreed by all parties that, as a result of these transfers, Mr. Cypull retained ownership of 166.16 acres.

This acreage was clearly comprised of two "lots of record" as that term is defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, that definition provides that a lot of record is "A parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulations which governs the use, subdivision, or other conditions thereof". One of the lots of record was 80.16 acres and the other 86 acres.

In the instant case, both lots are zoned R.C.2. As such, the relevant date governing the use, subdivision, or other condition relating

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Date 9/30/92
200

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In Re: United Parcel Service at Loveton, Case No. 87-106, there has been no reliance by the property owner on Mr. Dyer's opinion. That is, it is apparent that Mr. Cypull informally contacted the zoning office seeking a clarification of the density question which Mr. DiPaola ultimately set forth in his Petition. Based on the information provided by Mr. Cypull, Mr. Dyer provided his opinion. This opinion was informal in nature and

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Date 9/6/92
By Top

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It is also to be noted that any appeal from my decision would be de novo before the County Board of Appeals. Thus, if he believes the case is improperly before me, Mr. Cypull need only file an appeal of my decision to move this case to the forum in which he believes it belongs.

Having resolved the jurisdictional issue, attention must now be given to the merits of the case. As indicated above, it is clear that two density units were available to the 80 acre parcel and two additional units available to the 86 acre parcel in November 1979 when the R.C. zoning was created. If these units were reserved and/or transferred is the gravamen of the case. In support of his argument that he acquired three units, Mr. DiPaula produced evidence to support a finding that there was no reservation of density by Mr. Cypull when he conveyed 120 acres to the DiPaulas in 1980. The Petitioner points out that both the contract of sale between Mr. Cypull and the DiPaulas (see Petitioner's Exhibit 1, dated February 17, 1979) and the deeds conveying title pursuant to that contract (see Petitioner's Exhibit 2 dated September 10, 1980 and Petitioner's Exhibit 3 dated October 10, 1980) are devoid of any specific language which suggests that Mr. Cypull retained any density units. To the con-

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Date 9/29/92
By Joe

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trary, the Contract of Sale between the parties, specifically provided for the transfer of "all rights and appurtenances thereto belonging and in anywise thereto appertaining" to the properties being conveyed. Mr. DiPaula argues that this includes both density units attributable to the 86 acre parcel, as well as one unit from the 80 acre parcel, of which he acquired 34 acres. Further, there were no hearings before the Zoning Commissioner requesting a reservation and/or transfer of densities to the remaining Cypull property. Further, within the Confirmatory Deed from Cypull to DiPaula, an existing lane on the property being conveyed is referenced. That deed governs the use of that lane in the event of a subdivision of the property conveyed. The existence of this language strongly supports Mr. DiPaula's argument that he was acquiring more than one density unit, in that the effect of an envisioned subdivision of the DiPaula property is discussed.

In support of his argument, Mr. Cypull produced certain other documentary evidence. Specifically, he presented a record plat dated August 13, 1980, marked Protestants' Exhibit No. 1. This plat, titled "Plat No. 6 of the property of Theodore Cypull", bears a date after the parties' contract of sale but prior to the conveyance under deed. It purportedly describes the approximately 120 acre parcel transferred from Mr. Cypull to the DiPaulas. Initially, it should be noted that this plat, although bearing the signature of Mr. Cypull, is not signed by Mr. and Mrs. DiPaula, notwithstanding that they were contract purchasers at the time. Further, there is no specific language regarding the reservation of density units. However, as Mr. Cypull notes, the plat does indicate that the tract is considered one lot and shows a density of .006. This figure is obviously derived by a division of the alleged number of density units

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Date 9/30/92 Buz

- 6 -

Section 1A01.3.B of the B.C.Z.R. establishes area standards for R.C.2 properties. That section of the regulations provides that for any lot having a gross area between two and one hundred acres, there shall be no subdivision which will result in the creation of more than two lots. Thus, it is abundantly clear that as of the adoption date of R.C.2 zoning in Baltimore County, the Cypull property as it existed at that time could be lawfully subdivided into four lots, two for the parcel which was 80.16 acres and two for the remaining parcel of 86 acres. Seemingly, the parties are in agreement as to the permissible subdivision and configuration of the 166.16 acre tract as of November 1979.

Subsequent thereto, Mr. Cypull conveyed unto the Petitioner property totalling approximately 120 acres in area. This included all of the parcel containing 86 acres and approximately 34 additional acres of the 80.16 acre lot. The question presented in the subject Petition, simply stated, is, "How many of the existing density units were included within that transfer?" From Mr. Cypull's viewpoint, he avers that only one density unit was transferred to Mr. and Mrs. DiPaula when the 120 acres were conveyed. Thus, he argues that he has retained three density units. On behalf of Mr. DiPaula, it is argued that he acquired three density units, thus leaving Mr. Cypull with only one.

The first issue to be addressed is preliminary in nature and relates to my jurisdiction to entertain this case. As noted within the wording of the Petition filed by Mr. DiPaula, part of his request is that the Zoning Commissioner "disapprove the zoning supervisor, James E. Dyer's letter of January 22, 1992...". Thus the Protestant, Mr. Cypull, argues

ORDER RECEIVED FOR FILING

Date 9/30/92
By Bre

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that the case is improperly before me and that the proper forum for this matter is the County Board of Appeals. Particularly, Mr. Cypull argues that Section 602.(b) of the Baltimore County Code provides the County Board of Appeals with jurisdiction to hear and decide appeals from administrative and adjudicatory orders. It is alleged that this case seeks a review of Mr. Dyer's action and is, therefore, more properly before the Board as a review of an administrative order.

This argument must be rejected for several reasons. First, although the Petition references Mr. Dyer's letter, it is clear that the Petitioner's primary request is for a determination of the R.C.2 density regulations as to the subject properties. That is, Mr. DiPaula is not appealing Mr. Dyer's decision, per se, but rather seeking a determination of the issue by the only individual who is empowered under law to render such a ruling; namely, the Zoning Commissioner. Section 500.7 of the B.C.Z.R. empowers the Zoning Commissioner (solely) and the County Board of Appeals (on appeal) to conduct such hearings as may be necessary for the proper enforcement and interpretation of the zoning regulations. Thus, the zoning regulations empower only that officer and not Mr. Dyer or staff to conduct the requisite public hearings and make determinations of the issue presented. Further, unlike other cases which have gone to the Board of Appeals as a result of appeals from administrative decisions (see, i.e., In Re: United Parcel Service at Loveton, Case No. 87-106), there has been no reliance by the property owner on Mr. Dyer's opinion. That is, it is apparent that Mr. Cypull informally contacted the zoning office seeking a clarification of the density question which Mr. DiPaula ultimately set forth in his Petition. Based on the information provided by Mr. Cypull, Mr. Dyer provided his opinion. This opinion was informal in nature and

(one) by the total acreage which is subdivided (166.16 acres). That is, Mr. Cypull argues that this plat evidences the intent to create one lot of 120 acres out of the 166.16 acre tract, thereby reserving three density units to the remaining Cypull land.

Further, Mr. Cypull correctly notes that the deeds of transfer conveying the tract from Cypull to DiPaulas reference this plat. Clearly, by the reference to this plat within the deeds, Mr. and Mrs. DiPaula were "on notice" of this attempted reservation of density by Mr. Cypull.

Based upon all of the evidence presented, I must conclude that there was no meeting of the minds as to the four available density units for the properties. Even within the Confirmatory Deed from Cypull to DiPaula there is a direct inconsistency wherein it references the plat transferring one lot and density unit, but later provides for use of the lane in the event of a potential subdivision of the property being conveyed.

Notwithstanding these inconsistencies and contradictions, one fact is, however, clear. That is, Mr. Cypull transferred all of the 86 acre parcel to the DiPaulas. He retained not one sliver of that lot of record. This distinct and separate lot of record had available to it two density units. Further, it is clear that there is no record of any zoning hearing/petition for Special Hearing wherein either or both of those density units were transferred to the parcel which Cypull retained. Thus, it must conclude that Mr. and Mrs. DiPaula acquired both available density units when they acquired the 86 acre property.

As to the 80 acre tract, I am persuaded that Mr. Cypull retained both density units, notwithstanding his transfer of 34 acres of that tract to the DiPaulas. In making this judgment, I place reliance on the exis-

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Date 9/30/92

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 3/18/92

Michael and Nancy DiPaola
13713 Pleasantville Road
Baltimore, Maryland 21013

RE:
CASE #92-343-SPH (Item 356)
6/5 Pleasantville Road, 1900' NE of Fort Road
13713 and 13801 Pleasantville Road
11th Election District - 6th Councilmanic
Petitioner(s): Michael and Nancy DiPaola
HEARING: FRIDAY, JULY 10, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$25.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Darryl G. Fletcher, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 3/30/92

Michael and Nancy DiPaola
13713 Pleasantville Road
Baltimore, Maryland 21013

RE:
CASE NUMBER: 92-343-SPH
6/5 Pleasantville Road, 1900' NE of Fort Road
13713 and 13801 Pleasantville Road
11th Election District - 6th Councilmanic
Petitioner(s): Michael and Nancy DiPaola

Dear Petitioner(s):

Please be advised that \$69.73 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Darryl G. Fletcher, Esq.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 20, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-343-SPH
6/5 Pleasantville Road, 1900' NE of Fort Road
13713 and 13801 Pleasantville Road
11th Election District - 6th Councilmanic
Petitioner(s): Michael and Nancy DiPaola
HEARING: MONDAY, APRIL 13, 1992 at 10:30 a.m.

Special Hearing to disapprove the Zoning Supervisor, James E. Dyer's letter of January 22, 1992 and determine the application of R.C.-2 density regulations to the Cypall and DiPaola property.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Michael and Nancy DiPaola
Darryl G. Fletcher, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 1, 1992

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-343-SPH
PETITIONER(S): MICHAEL AND NANCY DIPOLA
LOCATION: 13713 and 13801 PLEASANTVILLE ROAD

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON MONDAY, APRIL 13, 1992, HAS BEEN POSTPONED AT THE REQUEST OF DARRYL G. FLETCHER, ATTORNEY FOR PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon
Arnold Jablon
Director

cc: Michael and Nancy DiPaola
Darryl G. Fletcher, Esq.

*NOTE: ENCLOSED FIND A POSTPONEMENT STICKER TO BE PLACED ON THE ZONING SIGN.

AJ:ggg

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 6, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-343-SPH
LEGAL OWNER: MICHAEL AND NANCY DIPOLA
LOCATION: 13713 and 13801 PLEASANTVILLE ROAD

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

FRIDAY, MAY 8, 1992 at 11:30 a.m.

IN THE BALTIMORE COUNTY ROOM 106, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Michael and Nancy DiPaola
Darryl G. Fletcher, Esq.

P.S.:
* Enclosed please find a sticker to be placed on the zoning sign.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 19, 1992

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-343-SPH
LEGAL OWNER: MICHAEL AND NANCY DIPOLA
LOCATION: 13713 and 13801 PLEASANTVILLE ROAD

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

WEDNESDAY, JUNE 24, 1992 at 9:00 a.m.

IN THE BALTIMORE COUNTY ROOM 118, COURTHOUSE, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Lawrence E. Schmidt
Lawrence E. Schmidt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Michael and Nancy DiPaola
Darryl G. Fletcher, Esq.
R. Bruce Alderman, Esq.
Charlotte W. Pine, Esq.

P.S.:
* Enclosed please find a sticker to be placed on the zoning sign.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

JUNE 1, 1992

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-343-SPH
PETITIONER(S): MICHAEL AND NANCY DIPOLA
LOCATION: 13713 and 13801 PLEASANTVILLE ROAD

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON JUNE 24, 1992, HAS BEEN POSTPONED AT THE REQUEST OF R. BRUCE ALDERMAN, ATTORNEY FOR PROTESTANT.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon
Arnold Jablon
Director

cc: DARRYL G. FLETCHER
MICHAEL AND NANCY DIPOLA
R. BRUCE ALDERMAN, ESQ.
CHARLOTTE W. PINE, ESQ.

*ENCLOSED PLEASE FIND A STICKER TO BE PLACED ON THE ZONING SIGN.

AJ:ggg

PP granted per Arnold (Phone conversation with Alderman);
no paperwork on file requesting postponement on
Alderman's letter of appearance. 6/6/92

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

RESCHEDULED FROM 6/24/92
CASE #92-343-SPH (Item 356)
6/5 Pleasantville Road, 1900' NE of Fort Road
13713 and 13801 Pleasantville Road
11th Election District - 6th Councilmanic
Petitioner(s): Michael and Nancy DiPaola
HEARING: FRIDAY, JULY 10, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Special Hearing to disapprove the Zoning Supervisor, James E. Dyer's letter of January 22, 1992 and determine the application of R.C.-2 density regulations to the Cypall and DiPaola property.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Darryl G. Fletcher
Michael and Nancy DiPaola
R. Bruce Alderman, Esq.
Charlotte W. Pine, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

* Sticker mailed for sign.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
April 6, 1992

(410) 887-3353

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, MD 21234

RE: Item No. 356, Case No. 92-343-SPH
Petitioner: Michael DiPaula, et ux
Petition for Special Hearing

Dear Mr. Fletcher:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 10th day of March, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Michael DiPaula, et ux

Petitioner's Attorney: Darryl G. Fletcher

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 24, 1992

This office has no comments for item numbers 356, 357, 358, 359, 360, 361 and 364.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: March 31, 1992

FROM: Ervin McDaniel, Division Chief
Development Review Section
Office of Planning and Zoning

SUBJECT: James R. Dilworth Sr. - Item No. 348
Michael DiPaula - Item No. 356

The Office of Planning and Zoning has no comment on the above referenced Item Numbers.

EMcD:JM:bjs

348/356.ZAC/ZAC1

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APR 9 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
March 31, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management
FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #356, Zoning Advisory Committee Meeting of
March 24, 1992, Michael DiPaula & Nancy F. DiPaula, E/S
Pleasantville Road, 1900' NE of Fork Road, (#13713 & 13801
Pleasantville Road), D-11, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

This property is located in an agricultural preservation area and is zoned RC2. Subdivision of this property must comply with the development regulation protecting prime and productive soils. Therefore, it must also comply with the Department of Environmental Protection and Resource Management's policies which are enclosed.

SSF:mp

356.ZNG/GWRMP

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APR 1 1992
ZONING OFFICE

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT
INTERIM APPLICATION OF
BALTIMORE COUNTY COUNCIL BILL NO. 134-89

April 1, 1990
(Revised June 4, 1990)

County Council Bill No. 134-89 requires this agency to establish policies "to promote agricultural uses and protect Baltimore County's soil resources". In order to prevent unnecessary and/or unwarranted delays in processing plans and/or plats and for the purpose of avoiding uncertainty in regard to the effect of this legislation in general, the following interim policy is effective immediately.

Any plan and/or plat submitted to this agency for development approval that involves RC-2, RC-3 or RC-4 zoning needs to be reviewed by the Baltimore County Department of Environmental Protection and Resource Management to determine its consistency with the interim policy detailed below. All other existing requirements of the Baltimore County Zoning Regulations continue to be applicable.

RC-2 and RC-4 zoned land within the "Agricultural Preservation Areas" as established in the draft Baltimore County Master Plan, 1989-2000 shall be subject to the following additional requirements. (No RC-3 exists within "Agricultural Preservation Areas".)

1. Lots created within RC-2 zoned areas shall be 60,000 square feet or less or greater than 50 acres in size except that exceptions can be made in regard to these standards based on sewerage and water system requirements; unique physical characteristics of the site; adjacent development characteristics; and other factors which create practical difficulties in satisfying these lot size requirements as determined by the Department of Environmental Protection and Resource Management.
2. Lots created within RC-2 and RC-4 zoned land shall not be located on prime and productive soils as referenced in the Baltimore County Soil Survey unless it is demonstrated that no other suitable area for lot placement exists and the location of lots shall not seriously impact the utility of a farming operation or significantly diminish the agricultural land resources.
3. In regard to prime and productive soils within RC-4 zoned land, the residential density calculated shall be the same as for RC-2. In addition, provisions for lot size and location in regard to all lots allowed within RC-4 zoned areas shall be similar to #1 and #2 above.

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

APRIL 2, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL DIPAULA AND NANCY F. DIPAULA
Location: #13713 & #13801 PLEASANTVILLE ROAD
Item No.: 356 Zoning Agenda: MARCH 24, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Noted and Approved*
Planning Group
Special Inspection Division
Fire Prevention Bureau

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: March 24, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 24, 1992

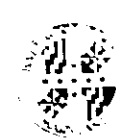
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 354, 356, 358, 359, 360, 361 and 365.

For Items 357 and 364, these sites must be submitted through the new subdivision process for review and comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED
MAR 26 1992
ZONING OFFICE



(410) 887-3333

November 5, 1992

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
E/S Pleasantville Road, 1900'
NE of Fork Road
(13713 & 13801 Pleasantville Road)
11th Election District, 6th Councilmanic District
Michael DiPaula, et ux
Case No. 92-343-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 5, 1992 by Thomas X. Alderman, Attorney on behalf of the protestants. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
Arnold Jablon, Director
Zoning Administration and
Development Management

Enclosure

cc:

Michael DiPaula - P.O. Box 10028 Baldwin, MD 21013
Darryl G. Fletcher, Esquire - 8905 Harford Road, Balto. MD 21234
Charlotte Pine - P.O. Box 91 Baldwin MD 21013
Edwin C. Gibbons, Jr. - 13815 Pleasantville Rd. Baldwin MD 21013
Earle K. Alexander - 13785 Bottom Rd. Hydes MD 21082
Thomas X. Alderman, Esquire - 300 Allegheny Ave. Towson, MD 21204
People's Counsel of Baltimore County
Old Courthouse, 400 Washington Avenue, Towson, MD 21204
File

APPEAL

Petition for Special Hearing
E/S Pleasantville Road, 1900' NE of Fork Road
(13713 & 13801 Pleasantville Road)
11th Election District - 6th Councilmanic District
MICHAEL DIPAULA, ET UX - Petitioner
Case No. 92-343-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Memorandum

Petitioner(s) & Protestant(s) sign-in sheets

Petitioner's Exhibits: 1. Agreement of Sale between Cypull & DiPaula

2. & 3. Deeds between Cypull & DiPaula

4. Deed between Wilson & Cypull

5. Deed between Ierner & Cypull

6. Plat of area breakdown

7. Plat - Lots of Record

8. ZAC Comments Cover Letter 1/22/92

9. Letter 1/2/92 from Cypull

10. Letter 1/30/92 from DiPaula

11. Resume of Norman Gerber

12. & 13. Tax Bills & Lien Certificates for Cypull Property

Protestant's Exhibits: 1. Plat #6 - property of Cypull

2. Note to file - density issue, dated 1/13/92

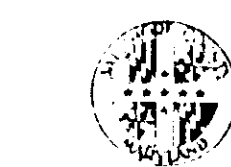
Zoning Commissioner's Order dated 9/30/92 (Granted with restrictions)

Notice of Appeal received 10/30/92 from Thomas X. Alderman, attorney on behalf of the protestant

Appeal Checklist - Case No. 92-343-SPH
November 5, 1992
Page 2

cc: Michael DiPaula - P.O. Box 10028 Baldwin, MD 21013
Darryl G. Fletcher, Esquire - 8905 Harford Road Balto. MD 21234
Charlotte Pine - P.O. Box 91 Baldwin MD 21013
Edwin C. Gibbons, Jr. - 13815 Pleasantville Rd. Baldwin MD 21013
Earle K. Alexander - 13785 Bottom Rd. Hydes MD 21082
Thomas X. Alderman, Esquire - 300 Allegheny Ave. Towson, MD 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM
Public Services



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 27, 1993

Thomas X. Alderman, Esquire
ALDERMAN, DEMEO & RIGGS, P.C.
300 Allegheny Avenue
Towson, MD 21204

RE: Case No. 92-343-SPH
Michael DiPaula, et ux

Dear Mr. Alderman:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. Theodore Cypull
Darryl G. Fletcher, Esquire
Mr. Michael DiPaula
Ms. Charlotte Pine
Mr. Edwin C. Gibbons, Jr.
Mr. Earle K. Alexander
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director /ZADM

1/15/93 - Following parties notified of hearing set for April 8, 1993 at 10:00 a.m.:

Thomas X. Alderman Esquire
Mr. Theodore Cypull
Mr. Michael DiPaula
Darryl G. Fletcher, Esquire
Ms. Charlotte Pine
Mr. Edwin C. Gibbons, Jr.
Mr. Earle K. Alexander
People's Counsel for Balto. Co.
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

1/28/93 - Letter from Darryl Fletcher, Counsel for Petitioner, requesting postponement of case scheduled for April 8; he will be on vacation in South Carolina week of April 5, 1993.

2/03/93 - Notice of Postponement & Reassignment sent to above; reassigned to Wednesday, April 28, 1993 at 1:00 p.m.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

January 15, 1993

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-343-SPH
MICHAEL DIPAULA, ET UX
E/S Pleasantville Road, 1900'
NE of Fork Road
(13713 & 13801 Pleasantville Road)
11th Election District
6th Councilmanic District

SPH-Determination of appl. of R.C. 2 density regs. & overruling of J. Dyer's conclusions of 1/22/92

9/30/92 - Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: THURSDAY, APRIL 8, 1993 AT 10:00 a.m.

cc: Thomas X. Alderman Esquire-Counsel for Protestant/Appellant
Mr. Theodore Cypull
Mr. Michael DiPaula - Petitioner
Darryl G. Fletcher, Esquire - Counsel for Petitioner
Ms. Charlotte Pine
Mr. Edwin C. Gibbons, Jr.
Mr. Earle K. Alexander
People's Counsel for Balto. Co.
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kusznau
Legal Secretary



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue

February 3, 1993

NOTICE OF POSTPONEMENT & ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-343-SPH
MICHAEL DIPAULA, ET UX
E/S Pleasantville Road, 1900'
NE of Fork Road
(13713 & 13801 Pleasantville Road)
11th Election District
6th Councilmanic District

SPH-Determination of appl. of R.C. 2 density regs. & overruling of J. Dyer's conclusions of 1/22/92

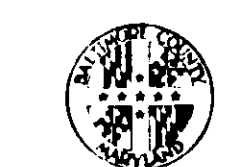
9/30/92 - Z.C.'s Order GRANTING Petition with restrictions.

which was scheduled for hearing on April 8, 1993 has been POSTPONED at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: WEDNESDAY, APRIL 28, 1993 AT 1:00 p.m.

cc: Thomas X. Alderman Esquire-Counsel for Protestant/Appellant
Mr. Theodore Cypull
Mr. Michael DiPaula - Petitioner
Darryl G. Fletcher, Esquire - Counsel for Petitioner
Ms. Charlotte Pine
Mr. Edwin C. Gibbons, Jr.
Mr. Earle K. Alexander
People's Counsel for Balto. Co.
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

February 3, 1993

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, MD 21234

Re: Case No. 92-343-SPH
Michael DiPaula

Dear Mr. Fletcher:

The Board is in receipt of your letter dated January 27, 1993 regarding the above-referenced case. A review of our file indicates that a copy of the original Notice of Assignment was sent to your office at the above address on January 15, 1993, and thus far has not been returned to the Board's office.

In response to your request, this matter has been postponed and reassigned for hearing on Wednesday, April 28, 1993 at 1:00 p.m. A copy of the Notice of Postponement & Reassignment is enclosed.

Should you have any questions, please call me at 887-3180.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. Michael DiPaula
Thomas X. Alderman, Esquire
Mr. Theodore Cypull
People's Counsel for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

October 4, 1990

Mr. John P. Etzel
Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Dear Mr. Etzel:

This office is in receipt of your letter requesting zoning information regarding the density and history of Theodore L. Cypull Farm and your check #14051 in the amount of Thirty-five (\$35.00) dollars; a receipt of which is hereby enclosed.

In order to research this matter, 15 work days from the date of this letter are required. Please do not call this office prior to that time. If you have any questions after the 15 days, you may call John Lewis to whom this letter has been assigned at 887-3391.

Thank you for your patience and understanding.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH/jat
cc: File

Mr. John P. Etzel
Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

RE: R.C.D. Density Review of the
Cypull Property, 380 Pleasantville
Road, 2,300 sq. ft. N of Fork Road
and 1/2 Acre
11th Election District

Dear Mr. Etzel:

This letter references your correspondence received by this office concerning the question of the amount of density remaining to the above referenced property.

According to the information provided the property is zoned R-2 and since November 29, 1979, the following subdivisions have occurred from the original 160 1/2 acres which consisted of two separately deeded parcels of 80.16 and 80.39 acres each which on the above date had a density of for two lots each for a total of 4 lots permitted.

(1) September 10, 1980 (see Ref. 200-71) All of Parcel 2 and part of Parcel 1 (15.5 ac.) were reworked under Plat #46 to 90 and were transferred to DiPaula leaving the remainder of Parcel 1 (49.4 1/2 Acre) owned by Cypull.

(2) December 4, 1984 (see Ref. 200-71) The 49.4 1/2 acre remainder of Parcel 1 was subdivided again to create a 6.6 1/2 acre lot transferred to Chailandes leaving a remainder of 42.8 1/2 acres owned by Cypull which is the subject of your letter request.

Several issues must be addressed in light of Section 1401.04.1 of the Baltimore County Zoning Regulations (BZC) which governs subdivision lot density in R-2 zones.

The creation of the 119 1/2 acre lot under Platbook 46 to 90 utilized all of Parcel 2 and part of Parcel 1. This office can state that two density units remain to Parcel 2; however, it seems apparent that a subdivision occurred on Parcel 1 in order to provide additional acreage to

11 West Chesapeake Avenue
Towson, MD 21204

January 22, 1991

(410) 887-3353

Mr. Theodore L. Cypull, Jr.
112 Delaware Avenue
Towson, Maryland 21204

RE: R.C.D. Density Review
of the Cypull Property
SW side Pleasantville Road
2300 ft. N of Fork Road
36.8 1/2 ac.
11th Election District

Dear Mr. Cypull:

This letter references your latest correspondence on the above referenced property received by this office on January 11, 1991. As requested in a meeting on July 22, 1991 with representatives of this office, your letter addresses the question concerning the density remaining to the Cypull property (consisting of 36.807 acres) in light of the creation of the DiPaula and Chailandes lots.

You state in your letter that these two parcels had only one density potential each when subdivided and as requested by this office, a copy of your letter was delivered by you to the DiPaula's on January 12, 1991. Therefore, this office will accept the density figures as presented and approve the future subdivision of the proposed lot for your son's dwelling subject to the clear understanding that the density for this property will be completely utilized once this fourth (4th) lot is created and all other height and area regulations must be complied with. Be aware that this approval is for zoning only and is not to be considered an approval for any other agency.

A copy of this letter is being sent to Mr. Michael DiPaula for their review. Further questions should be directed to Mr. John Lewis at 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

JED:cer

cc: Michael DiPaula - 13713 Pleasantville Road, Baldwin, MD 21013
John Etzel - Gerhold, Cross & Etzel - 412 Delaware Ave., Towson, MD

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

May 5, 1993

(410) 887-4386

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, Maryland 21234

RE: Petition for Special Hearing
13713 and 13801 Pleasantville Rd. Case No. 92-343-SPH
Michael DiPaula, et ux - Petitioners

Dear Mr. Fletcher:

This is to acknowledge receipt of your letter dated April 27, 1993 regarding the above matter.

It is the obvious intent of my restriction to require the recordation of appropriate deeds for the Cypull, Chailandes and DiPaula properties reflecting the density units available thereto, as set forth in my Order. This restriction was added to eliminate the future confusion as to the densities available to these properties. Obviously, there was confusion and dispute in the past as to this issue and my intent was to ensure that this issue would be fully and finally resolved.

In the past, when similar restrictions have been added to zoning orders, I have seen confirmatory deeds filed for each property between the grantor and grantee confirming the transfer and incorporating the Zoning Commissioner's Order. Certainly, this manner of proceeding would be acceptable in this case. However, I am not as much concerned with the method as with the end result. If only a filing of the Order will work, then that alternative is acceptable to me. Again, I only want to ensure that future owners of any of the properties are given legal notice within the land records of what densities they are acquiring.

Further, I have discussed this matter with John Lewis, the Zoning Technician who processed the Petition for Special Hearing, when originally filed. Kindly provide him with a copy of whatever it is you intend to file so that he may review and approve same prior to filing.

I trust that this correspondence answers your questions. However, please call me should you wish to discuss the matter further.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm

cc: Thomas X. Alderman, Esquire, 300 Allegheny Avenue, Towson, MD 21204
cc: John Lewis, Office of Zoning Administration and Development Mgr.

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-1200

May 8, 1992

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, Maryland 21234

RE: PETITION FOR SPECIAL HEARING
E/S Pleasantville Road, 1900' NE of Fork Road
(13713 and 13801 Pleasantville Road)
11th Election District - 6th Councilmanic District
Michael DiPaula, et ux - Petitioners
Case No. 92-343-SPH

Dear Mr. Fletcher:

This letter is to confirm that the above-captioned matter, which was scheduled for a public hearing on Friday, May 8, 1992, has been postponed pursuant to a request by R. Bruce Alderman, Esquire, attorney for the Protestants in this case.

Please be advised that you will be notified in writing of the rescheduled date and time by Gwendolyn Stephens, Docket Clerk, Office of Zoning Administration and Development Management. In the event you have any questions concerning this rescheduling, please contact Ms. Stephens at 887-3391.

Thank you for your cooperation in this matter.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjw
cc: R. Bruce Alderman, Esquire
1615 York Road, Suite 300, Lutherville, Md. 21093

Charlotte W. Pine, Esquire
Long Green Valley Association, P.O. Box 91, Baldwin, Md. 21013

Gwendolyn Stephens, ZDM
People's Counsel
File

ALDERMAN, DeMEO & RIGGS, P.C.

ATTORNEYS AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 887-3000
FAX (410) 887-3000

THOMAS X. ALDERMAN
BENJAMIN F. DEEMER
BENJAMIN F. RIGGS, JR.

THOMAS X. ALDERMAN
BENJAMIN F. DEEMER
BENJAMIN F. RIGGS, JR.

April 15, 1993

Board of Appeals of Baltimore County
Suite 113 Courthouse
401 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Michael DiPaula, et ux.
Case No. 92-343-SPH

To the Board:

Enclosed please find the Notice of Dismissal of Theodore Cypull, Appellant, whose address is 13801 Pleasantville Road, Baldwin, Maryland, to be filed in the above referenced case. The appellant hereby dismisses his appeal of the decision rendered by the Zoning Commissioner for Baltimore County, Lawrence E. Schmidt, and respectfully requests the Board of Appeals, on his behalf, to remove this matter from its docket.

Thank you for your kind consideration.

Very truly yours,

Thomas X. Alderman
Thomas X. Alderman

cc: Theodore Cypull
Darryl G. Fletcher, Esquire

Enclosures
TXA/rb

SS:GDMV LZ:JAV:GS

10

LAW OFFICE
Darryl G. Fletcher, P.A.
8905 HARFORD ROAD
BALTIMORE, MARYLAND 21234
410 882-2000

March 25, 1992

Lawrence E. Schmidt,
Zoning Commissioner
of Baltimore County
Office of Zoning Administration
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 92-343-SPH
E/S Pleasantville Road, 1900' NE of Fork Road
13713 and 13801 Pleasantville Road
11th Election District - 6th Councilmanic
Petitioner(s): Michael and Nancy DiPaula
Hearing: Monday, April 13, 1992 at 10:30 a.m.

Dear Commissioner Schmidt:

I have received notice today of a hearing in the above-captioned matter scheduled for April 13, 1992 at 10:30 a.m. I have a previously scheduled specially set case before the Workers' Compensation Commission which has been previously postponed, and cannot again be postponed. I would appreciate if you would reschedule the above referenced hearing at your convenience. I would appreciate a call prior to scheduling it because of my busy trial calendar in order to coordinate it with your office.

Thank you for your attention in this matter, I am

Very truly yours,

Darryl G. Fletcher
Darryl G. Fletcher

DGF:lcd

cc: Dr. Michael & Mrs. Nancy DiPaula

RECEIVED
MAY 27 1992
ZONING OFFICE

LAW OFFICE
Darryl G. Fletcher, P.A.
8905 HARFORD ROAD
BALTIMORE, MARYLAND 21234
(410) 882-2000
FAX# 661-5902

January 27, 1993

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204
Attention: LindaLee M. Kuszmaul

Re: Case No.: 92-343-SPH
Michael DiPaula

Dear Mrs. Kuszmaul:

I have today received from my client, Dr. DiPaula, a copy of the Notice of Assignment of the above-captioned case. I did not receive a notice from your office of this Hearing. Please be advised that I will be on vacation with my family in South Carolina the week of April 5, 1993 and returning to my office on April 12, 1993. I will not be available for the trial on April 8, 1993 as scheduled. I would appreciate your re-scheduling this matter at your earliest convenience.

Very truly yours,

Darryl G. Fletcher
Darryl G. Fletcher

DGF/dem

cc: Thomas X. Alderman, Esquire
Dr. Michael DiPaula

4/24/93 1:00 pm

ZONING COMMISSIONER

Re: Petition for Special Hearing
E/S Pleasantville Road, 1900' NE of Fork Road
(13713 and 13801 Pleasantville Road)
11th Election District - 6th Councilmanic District
Michael DiPaula, et ux - Petitioners
Case No.: 92-343-SPH

I have received notice that the Appeal filed from your decision in the above-captioned case from September 30, 1992 has been dismissed. I now find myself faced with complying with your ruling. Pursuant to your ruling you have directed that now Deeds be prepared, and the relief granted in the opinion. I am somewhat perplexed as to how the Deeds are to be prepared, who is to sign them, and who is to prepare them. It would seem to be easier to record your Opinion among the Land Records, and index the opinion under the names of the parties involved. I would appreciate your recommendations, or approved Amended Order authorizing such recording in lieu of preparation of new Deeds to all of the subject properties.

Darryl G. Fletcher

LAW OFFICES
ALDERMAN & McMULLEN, P.A.

800 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204-4287
410 337-8702
FAX: 410 337-8952

THOMAS N. ALDERMAN
ALEXANDER R. McMULLEN
RICHARD W. DROG
ALSO ADMITTED IN PENNSYLVANIA

CONSULTANTS
CRAIG A. GUNDEL
CRAIG S. HELL
SUSAN L. JONES
OF COUNSEL
R. BROOK ALDERMAN

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 113 Courthouse
401 Washington Avenue
Baltimore, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
Michael Dipaula, et. ux.
Case No. 92-343 SPH

Theodore Cypull, Appellant, whose address is 13801 Pleasantville Road, Baldwin, Maryland, appeals the decision rendered in the above referenced matter and requests the Board of Appeals of Baltimore County set this matter on its docket.

Please find enclosed a check in the amount of Seventy Five Dollars (\$75.00) to cover the cost of noting said Appeal.

Thank you for your kind consideration.

Thomas X. Alderman

cc: Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, Maryland 21234

8

RE: Density and History of
Theodore L. Cypull Farm
Zoned RC-2

I and my surveyor, John Etzel, have met several times with your zoning personnel to explore the history of the conveyances and to obtain an approved lot for my son on my remaining farm of 36.8 Acres more or less.

My remaining farm is in title of Theodore L. Cypull and Sallie B. Cypull, wife by a deed dated February 12, 1942 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1209 folio 158 which consisted of two parcels of 183.62 Acres and 124.9 Acres of land. Theodore L. Cypull died September 13, 1974 and Sallie B. Cypull died February 27, 1975. In her will she left the two parcels of land to Shirley J. Lerner one-half interest, to be divided equally between Shirley J. Lerner and her son, E.H.K. Jr. by deed E.H.K. Jr. 5835-281 on December 2, 1977. On July 19, 1978 Shirley J. Lerner conveyed her half interest of the two parcels to Theodore L. Cypull, Jr. thereby title is vested entirely to Theodore L. Cypull, Jr. The total area of both parcels was 310.52 Acres, saving and excepting 117.674 Acres deeded to the State of Maryland to the use of the Department of Forests and Parks on November 10, 1976. The area of the two parcels of land was 23.344 "Theodore L. Cypull" leaving on October 8, 1976 a net acreage of 166.16 Acres. As of November 25, 1979, the area of the two parcels of land was still 166.16 Acres with four densities, i.e., two densities for each parcel.

From November 25, 1979 two parcels of land were sold off; 1) Record Plat titled Lot I Plat 6 Theodore L. Cyphull E.H.K.Jr. 6206-71, September 10, 1980 (one density) in the title of Michael L. DiPaula and wife, 2) a parcel of land recorded in E.H.K.Jr. 6835-267, December 5, 1984 (one density) in the title of Charles P. Challandes and wife. This leaves two densities for the remaining 36.807 Acres belonging to Theodore Cyphull.

I wish to use one density for my son's lot which will contain 2 Acres more or less and the remaining one density for my remaining farm of 34 Acres more or less. I am ready to submit a minor subdivision plat for the two lots. I hope that this will explain the density issue.

John F. Etzel

Yours truly,
Theodore L. Cypull, Jr.

a copy was delivered to Depatie 1/14/72 by my son
and discussed with him. At the time he had no objections

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD

Mr. John Lewis
Office of Zoning
County Office Building
Towson, Maryland 21204

Re: Densities & History of
Theodore L. Cypull Farm

Enclosed with this letter is a plat showing the history of conveyances out of the Theodore L. Cypull, Jr. Farm.

[illegible]

From November 25, 1979 two parcels of land were sold off. 1) Record Plat titled Lot 1 Plat 6 Theodore L. Cypall E.H.K.Jr. 6206-71, September 10, 1980 (1 density) in the title of Michael L. DiPaola and wife. 2) A parcel of land recorded in E.H.K.Jr. 6835-267, December 5, 1984 (1 density) in the title of Charles P. Challandes and wife. This leaves 2 densities for the remaining 36.807 Acres belonging to Theodore Cypall.

John F. Etzel
Managing Partner

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

Mr. John Lewis
Office of Zoning
County Office Building
Towson, Maryland 21204

By sending 40-50 under
lost - The price is 200
Dear John: Houston

Enclosed with this letter is
the Theodore L. Cypull, Jr. Farm.

Enclosed with this letter is a plat showing the history of conveyances out of the Theodore L. Cypull, Jr. Farm.

The farm in title to Theodore L. Cypull and Sallie B. Cypull, his wife February 12, 1942 and recorded among the Land Records Baltimore County in Liber C.H.K. No. 1209 folio 158 consisted of two parcels of 183.62 Acres and 124.9 Acres of land. 1975
Theodore L. Cypull died September 13, 1974 and Sallie B. Cypull died December 1975 in her will she left the two parcels of land to her daughter Shirley one-half interest and Theodore L. Cypull, Jr. one-half interest and are recited in the deed E.H.K.R. 3291 of 1977. On July 19, 1978 Shirley J. Lerner conveyed her half interest of the two parcels to Theodore L. Cypull, Jr. thereby titled is vested entirely to Theodore L. Cypull, Jr. The total area of both parcels was 310.52 Acres, the saving and excepting 117.674 Acres decided to the use of the State for the use of the Department of Forests and Parks and the Forest Service, 1967, and then saving and excepting Plat No. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782,

From November 25, 1979 two parcels of land were sold off. 1) Record Plat titled Lot 1 Plat 6 Theodore L. Cypell E.H.K.Jr. 6206-71, September 10, 1980 (1 density) in the title of Michael L. DiPaula and wife. 2) A parcel of land recorded in E.H.K.Jr. 6835-267, December 5, 1984 (1 density) in the title of Charles P. Challandes and wife. This leaves 2 densities for the remaining 36.807 Acres belonging to Theodore Cypell.

John F. Etzel

JFE/je
Engl

To: John L.
Cypall File

MICHAEL L. DIPAULA, D.D.S.

8509 HARBORD ROAD
BALTIMORE, MARYLAND 21234
TELEPHONE 688-6540

RECEIVED
ZONING OFFICE
1-31-92 ucr

3 LONG GREEN VALLEY ASSOCIATION 3
P.O. Box 91 Baldwin, Maryland 21013
April 8, 1992

12-343-
SIF

RECEIVED
APR 13 1992
ZONING COMMISSIONER

Larry Schmidt
Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

This is to advise that the Board of Directors of the Long Green Valley Association voted at its last meeting to oppose the granting of any further density allocation for the Cypull property on Pleasantville Road.

The Association was particularly concerned that an attempt was made to approve this additional density without prior notification to the adjoining property owner and without posting of the property for public input.

Mr. Cypull surely already exceeded his density for his R.C.2 property as he has a main house and a tenant house on his property, as well as an "out parcel" to Mr. & Mrs. Challanders. The Cypull property is not farmed by the party who lives in the "tenant house" and therefore should be considered a second house.

Please advise the date of the hearing on this matter.

Very truly yours,
Charlotte W. Pine
Charlotte W. Pine
President

CWP/vg

cc: Fletcher
DePaula

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: MICHAEL L. DIPAULA
ADDRESS: 13713 BALDWIN RD BALDWIN MD
NAME: MICHAEL L. DIPAULA
ADDRESS: 13713 BALDWIN RD BALDWIN MD
NAME: MICHAEL L. DIPAULA
ADDRESS: 13713 BALDWIN RD BALDWIN MD

PROTESTANT(S) SIGN-IN SHEET

NAME: MICHAEL L. DIPAULA
ADDRESS: 13713 BALDWIN RD BALDWIN MD
NAME: MICHAEL L. DIPAULA
ADDRESS: 13713 BALDWIN RD BALDWIN MD
NAME: MICHAEL L. DIPAULA
ADDRESS: 13713 BALDWIN RD BALDWIN MD

THIS DEED, CODE City or County

This Deed, Made this 10th day of September in the year one thousand nine hundred and eighty

THEODORE L. CYPULL, Jr. in the State of Maryland, of the first part, and MICHAEL L. DIPAULA and NANCY F. DIPAULA, his wife

Witnesseth, That in consideration of the sum of Two Hundred Three Thousand (\$203,000.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said Theodore L. Cypull, Jr. do es grant and convey unto the said Michael L. DiPaula and Nancy F. DiPaula, his wife

heirs and assigns, in fee simple, all that of ground, situate, lying and being in Baltimore County, State of Maryland

Beginning for the

BEING known and designated as Lot No. 1, Plat #6 Property of Theodore L. Cypull which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 46, Folio 90.

BEING part of the lots of ground which by Deed dated December 2, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5835, Folio 281 which was granted and conveyed by Meredith R. Wilson, Personal Representative of the Estate of Sallie B. Cypull to Shirley J. Lerner and Theodore L. Cypull, Jr.

Being also part of the lots of ground described in a Deed dated July 19, 1978 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5926, Folio 842 which was granted and conveyed by Shirley J. Lerner to Theodore L. Cypull, Jr., the Grantor herein.

RECORDED
BALTIMORE COUNTY, MARYLAND
1991 JAN 23

5345000

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

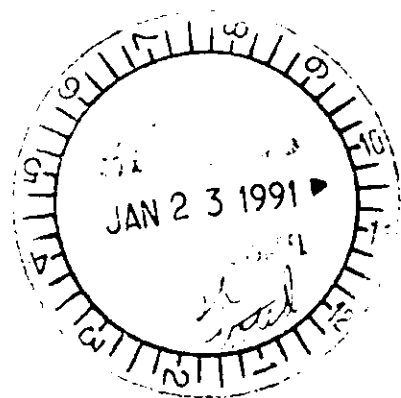
NO. 386

September Term, 1990

Steven H. Gudeman et ux.

v.

People's Counselor for Baltimore County



Bell, R.B.
Fischer,
Thayer, (specially
assigned)

JS.

Per Curiam

Filed: January 22, 1991

THIS DEED, CODE City or County

CONFIRMATORY

This Deed, Made this

in the year one thousand nine hundred and eighty

THEODORE L. CYPULL, Jr.

of Baltimore County in the State of Maryland, of the first part, and MICHAEL L. DIPAULA and NANCY F. DIPAULA, his wife, of said County and State

of the second part.

Witnesseth, That in consideration of the sum of Two Hundred Three Thousand (\$203,000.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said Theodore L. Cypull, Jr.

do es grant and convey unto the said Michael L. DiPaula and Nancy F. DiPaula, his wife, their

heirs and assigns, in fee simple, all that of ground, situate, lying and being in Baltimore County, State of Maryland

Beginning for the

BEING known and designated as Lot No. 1, Plat #6 Property of Theodore L. Cypull which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 46, Folio 90.

BEING part of the lots of ground which by Deed dated December 2, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5835, Folio 281 which was granted and conveyed by Meredith R. Wilson, Personal Representative of the Estate of Sallie B. Cypull to Shirley J. Lerner and Theodore L. Cypull, Jr.

Being also part of the lots of ground described in a Deed dated July 19, 1978 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5926, Folio 842 which was granted and conveyed by Shirley J. Lerner to Theodore L. Cypull, Jr., the Grantor herein.

Theodore L. Cypull, Jr., the Grantor herein, grants unto Michael L. DiPaula and Nancy F. DiPaula, his wife, their heirs and assigns, the right to use said existing lane of the Grantor, which is contiguous to property referred herein, for ingress and egress, with Grantees to pay one-half of road maintenance, prorated for the amount of use. In the event the property referred herein is subdivided, the use of said existing lane shall be for the benefit of the original homesite only and shall not be used to service any other lots.

The purpose of this Deed is to provide ingress and egress to the above described lot as per the terms of the Contract of Sale.

TRANSFER TAX NOT REQUIRED

RANGECLIFF & ROSS/STANLEY

BALTIMORE COUNTY, MARYLAND

Per: [Signature]

10-26-80

3835 426

THIS DEED, Made this 5th day of December in the year one thousand nine hundred and eighty-four, by and between THEODORE L. CYPULL, JR., party of the first part, Grantor, and CHARLES P. CHALLANDES and FRANCES M. CHALLANDES, his wife, parties of the second part, Grantee.

WITNESSETH, That in consideration of the sum of \$55,000.00 and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey and assign unto the said Grantees, as tenants by the entireties, their assigns, and unto the survivor of them, his or her

personal representatives and assigns, all that lot(s) of ground situate in the Eleventh Election District of Baltimore County in the State of Maryland, and described as follows, that is to say:

For property description, see Schedule A, attached hereto and made a part hereof.

BEING part of the property which by Deed dated December 2, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5835 folio 281,

was conveyed by Meredith R. Wilson, Personal Representative of the Estate of Sallie B. Cypull to Shirley J. Lerner and Theodore L. Cypull, Jr.

BEING also part of the property which Shirley J. Lerner conveyed her interest in said property to Theodore L. Cypull, Jr.

AGRICULTURAL TRANSFER TAX

AMOUNT \$226.00

SIGNATURE DATE 12-6-84

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
CLERK 12/14/84

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
January 22, 1992
(410) 887-3311

Mr. Theodore L. Cypull, Jr.
412 Delaware Avenue
Towson, Maryland 21204

RE: R.C.2 Density Review
of the Cypull Property
SW side Pleasantville Road
2200 ft. N of Fork Road
36.8 +/- ac.
11th Election District

Dear Mr. Cypull:

This letter references your latest correspondence on the above referenced property received by this office on January 14, 1992. As requested in a meeting on July 23, 1991 with representatives of this office, your letter addresses the question concerning the density remaining to the Cypull property (consisting of 36.807 acres) in light of the creation of the DiPaula and Challandes lots.

You state in your letter that these two parcels had only one density potential each when subdivided and as requested by this office, a copy of your letter was delivered by you to the DiPaula's on January 12, 1992. Therefore, this office will accept the density figures as presented and approve the future subdivision of the proposed lot for your son's dwelling subject to the clear understanding that the density for this property will be completely utilized once this fourth (4th) lot is created and all other height and area regulations must be complied with. Be aware that this approval is for zoning only and is not to be considered an approval for any other agency.

A copy of this letter is being sent to Mr. Michael DiPaula for their review. Further questions should be directed to Mr. John Lewis at 887-3391.

Very truly yours,
James E. Dyer
Zoning Supervisor

JED:cer
cc: Michael DiPaula - 13713 Pleasantville Road, Baldwin, MD 21013
John Etzel - Gerhold, Cross & Etzel - 412 Delaware Ave., Towson, MD

This is a legally binding contract; if not understood seek competent advice.

Byrnes, Barroll & Gaines

1717 York Road
Baltimore, Maryland 21204
Tel: 321-2203

1000 Delmar Road
P.O. Box 2104
Tel: 410-3410

This Agreement of Sale, made this 11th day of April 1979 between Theodore L. Cypull, Jr. Seller, and Michael L. DiPaula and Nancy F. DiPaula, his wife Buyer.

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described fee simple property, situate and lying in the Eleventh Election District of Baltimore County, State of Maryland; Being property designated as Parcel #1 (as shown on Plat attached hereto and made a part of this contract, having a frontage of 1200 feet, more or less on Pleasantville Road, Baldwin, Maryland 21013; CONTAINING one hundred County (120) acres; more or less; Said total acreage to be conveyed to Buyer's approval; Being part of property as shall be borne by the Seller and survey subject to Buyer's approval; Being part of property as described in deeds as recorded among the Land Records of Baltimore County in Liber 5926, Folio 84 and Liber 5835, Folio 281; BEING UNIMPROVED. Together with all rights and appurtenances thereto belonging or in anywise thereto appertaining. Said property having no restrictions.

AT and for the sum of Two Hundred Seventeen Thousand and no/100ths ----- DOLLARS (\$ 217,000.00) of which Three Thousand Five Hundred and no/100ths ----- DOLLARS (\$ 3,500.00) have been paid at the signing hereof, the receipt of which is hereby acknowledged, the balance to be paid as follows:

\$ 3,500.00 - ADDITIONAL DEPOSIT to be paid within three months from the date hereof; Said total deposit \$ 10,000.00 - TO BE FINANCED by the Seller hereof, by means of a direct reduction purchase money contract; Said interest shall accrue to the benefit of the Seller (except as provided under condition for subdivision in this contract).

\$ 43,000.00 - CASH OR CASHIER'S CHECK at the time of settlement.
\$157,000.00 - TO BE FINANCED by the Seller hereof, by means of a direct reduction purchase money first mortgage. (See reverse side for mortgage clause).

SETTLEMENT shall be held on April 15, 1981, or earlier by mutual agreement between the parties hereto.

AND upon payment as above provided of the purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer. Title to be good and merchantable, free of liens and encumbrances except as specified herein and except the use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the sub-division in which the property is located, and publicly recorded assessments for public utilities, including assessment for sewer and water benefits, and any other assessments which may be observed by an inspection of the property.

ADJUSTMENTS: Ground rent, rent, and water rent shall be adjusted and apportioned as of date of settlement, and all taxes, general or special and all other public or governmental charges or assessments against the premises which are or may be payable on an annual basis (including Metropolitan District, Sanitary Commission or other public improvements completed or commenced on or prior to the date hereof, or subsequent thereto), sewer, water, drainage or other public improvements completed or commenced on or prior to the date hereof, or subsequent thereto, are to be adjusted and apportioned as of the date of settlement and are to be assumed and paid hereafter by Buyer, whether assessments have been levied or not as of date of settlement. Cost of all documentary stamps, required by law, recording tax and transfer tax, where required by law, shall be divided equally between the parties hereto. Possession of the premises shall be given to Buyer as of date of settlement.

INSURANCE CLAUSE: The herein described property is to be held at the risk of the Seller until legal title has passed or possession has been given to Buyer. If, prior to the time legal title has passed or possession has been given to Buyer, all or a substantial part of the property is destroyed or damaged, without fault of the Buyer, then the contract shall be terminated and the purchase money shall be returned promptly by Seller to Buyer. It is also understood and agreed that the Seller shall immediately issue all of the insurance policies on the property as insured to protect all parties hereto, as their interests may appear, and shall continue said insurance in force during the life of this contract. In the event it shall be determined by the Buyer that the property is inadequately insured by the Seller, the Buyer shall have the right, at Buyer's option and expense, to obtain such insurance, or additional insurance, as shall be satisfactory to Buyer.

This Contract contains the final and entire Agreement between the parties hereto, and neither they nor their Agents shall be bound by any terms, conditions or representations not herein written; the full text of the Agreement of this Agreement. The parties hereto hereby bind themselves, their heirs, personal representatives, successors and assigns for the faithful performance of this Contract.

The Seller recognizes Byrnes, Barroll & Gaines Realtor as the listing broker negotiating this contract and agrees to pay said Realtor a brokerage fee for services rendered, amounting to 5% of the sale price, plus one-half of the amount of the annual ground rent, if any, and the party making settlement is hereby authorized and directed to deduct the aforesaid brokerage fee from the proceeds of this sale and pay same to said Realtor.

Witness the hands and seals of the parties hereto the day and year first above written.

WITNESS-AS TO SELLER'S SIGNATURE SELLER'S SIGNATURE (SEAL)
WITNESS-AS TO SELLER'S SIGNATURE SELLER'S SIGNATURE (SEAL)
WITNESS-AS TO BUYER'S SIGNATURE BUYER'S SIGNATURE (SEAL)

January 2, 1992

Mr. Arnold Jablon
Office of Zoning Administration and
Development Management
County Office Building
Towson, MD 21204

RE: Density and History of
Theodore L. Cypull Farm
Zoned RC-2

Dear Mr. Jablon:

I and my surveyor, John Etzel, have met several times with your zoning personnel to explore the history of the conveyances and to obtain an approved lot for my son on my remaining farm of 36.8 Acres more or less.

My remaining farm is in title of Theodore L. Cypull and Sallie B. Cypull, wife by a deed dated February 12, 1942 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1209 folio 158 which consisted of two parcels of 183.62 Acres and 124.9 Acres of land. Theodore L. Cypull died September 13, 1974 and Sallie B. Cypull died February 27, 1975. In her will she left the two parcels of land to Shirley J. Lerner one-half interest and Theodore L. Cypull, Jr. one-half interest and are recited in deed E.H.K., Jr. No. 5835-281 on December 2, 1977. On July 19, 1978 Shirley J. Lerner conveyed her half interest of the two parcels to Theodore L. Cypull, Jr. thereby title is vested entirely to Theodore L. Cypull, Jr. The total area of both parcels was 310.52 Acres, saving and excepting 117.674 Acres needed to the State of Maryland to the use of the Department of Forests and Parks on February 20, 1967, and then saving and excepting Plat Nos. 1, 2, 3, & 4 "Theodore L. Cypull" leaving on October 8, 1976 a net acreage of 166.16 Acres. As of November 25, 1979, the area of the two parcels of land was still 166.16 Acres with four densities, i.e., two densities for each parcel.

From November 25, 1979 two parcels of land were sold off; 1) Record Plat titled Lot 1 Plat 6 Theodore L. Cypull E.H.K., Jr. 6206-71, September 10, 1980 (one density) in the title of Michael L. DiPaula and wife, 2) a parcel of land recorded in E.H.K., Jr. 6835-267, December 5, 1984 (one density) in the title of Charles P. Challandes and wife. This leaves two densities for the remaining 36.807 Acres belonging to Theodore Cypull.

I wish to use one density for my son's lot which will contain 2 Acres more or less and the remaining one density for my remaining farm of 34 Acres more or less. I am ready to submit a minor subdivision plat for the two lots. I hope that this will explain the density issue.

As to history of conveyances Yours truly,
John F. Etzel Theodore L. Cypull, Jr.

FILE SIMPLE DEED
(Individual Form)
FILE No.

1585835 287

LAW OFFICE
ANDREW WILSON & TRICCO
100 WEST PLEASANT AVE.
TOWSON, MARYLAND 21204

This Deed, Made this 12th day of December, 1971, by and between
MEREDITH R. WILSON, Personal Representative of the Estate of Fannie B.
Cypull
of Baltimore County
and
SHIRLEY J. LERNER and THEODORE L. CYPULL, JR.
of the second part, Grantee(s),

TRANSFER TAX NOT REQUIRED
Walter R. Richardson
County of Prince
BALTIMORE COUNTY, MARYLAND

Per: [Signature]
Authorized Signature

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable
considerations, the receipt whereof is hereby acknowledged, the said party(ies) of the first part do(es)
grant and convey unto the said party(ies) of the second part, an undivided one-half interest
to each, as tenants in common.

his or her, (or their) heirs and assigns, in fee simple, all that (those) lot(s) or parcel(s) of ground
situate in Baltimore and Harford Counties --- State of Maryland, and described as follows:

BEGINNING FOR THE FIRST thereof at a point in the centre of the
Baltimore and Harford Turnpike Road at the end of the North thirty-one
and one-quarter degrees East twenty-seven and eight-tenths perch line of
the eighty-two acre tract conveyed by Thomas I. Evans and wife and Stephen
W. Falls, Trustees, to William Watkins, and running thence binding on said
land as now surveyed South fifty-four and one-half degrees East two thousand
one hundred and sixty-nine feet to a stone; thence North thirty-four and
one-half degrees East three thousand one hundred and thirty-five feet; thence
South fifty-five and one-half degrees East six hundred and sixty feet to
Bakers Spring Branch; thence binding on said branch the fourteen following
courses and distances: North thirty-two degrees forty minutes East one
hundred and sixty-two feet, South seventy-five degrees two minutes East
fifty feet, North fifteen degrees East ninety feet, North fifty-five degrees
twenty minutes East, fifty-four feet, North twenty-two degrees fifty-seven
minutes East one hundred and sixty-eight feet, North forty-one degrees East
one hundred and eighty-five feet, South fifty-five degrees twenty-eight
minutes East one hundred and forty-five feet, North seventy-two degrees
fifty-eight minutes East forty and five-tenths feet, North twenty-eight
degrees East one hundred and twenty-five feet, North seventeen degrees East
one hundred and six feet, North fifty-four degrees fifteen minutes East
twenty-five feet, North eighteen degrees thirty minutes East ninety-nine
feet, North five degrees East one hundred and two feet,
North twenty-three degrees fifteen minutes West sixty-six and five-
tenths feet to the Little Gunpowder Falls, and thence binding on said Falls
the eleven following courses and distances, viz: South eighty-seven degrees
nineteen minutes West one hundred eighty-one and five-tenths feet, South
seventy-four degrees forty-two minutes West one hundred and sixty-five feet,
South sixty-eight degrees fifty-two minutes West three hundred and sixty-
three feet, South sixty-one degrees eleven minutes West two hundred and
fifty-one feet, South forty-eight degrees thirty-four minutes West two
hundred and fifty-three feet, North seventy-seven degrees fifty-six minutes

FILE SIMPLE DEED
(Individual Form)
FILE No.

1585926 842

LAW OFFICE
ANDREW WILSON & TRICCO
100 WEST PLEASANT AVE.
TOWSON, MARYLAND 21204

This Deed, Made this 19th day of July, 1971, by and between
SHIRLEY J. LERNER
of Baltimore County
and
THEODORE L. CYPULL, JR.
of the second part, Grantee(s).

TRANSFER TAX NOT REQUIRED
Walter R. Richardson
County of Prince
BALTIMORE COUNTY, MARYLAND

Per: [Signature]
Authorized Signature

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable
considerations, the receipt whereof is hereby acknowledged, the said party(ies) of the first part do(es)
grant and convey unto the said party(ies) of the second part, an undivided one-half interest in and to the herein after
described property

his or her (or their) heirs and assigns, in fee simple, all that (those) lot(s) or parcel(s) of ground
situate in Baltimore County --- State of Maryland, and described as follows:

BEGINNING FOR THE FIRST thereof at a point in the centre of the
Baltimore and Harford Turnpike Road at the end of the North thirty-one
and one-quarter degrees East twenty-seven and eight-tenths perch line of
the eighty-two acre tract conveyed by Thomas I. Evans and wife and Stephen
W. Falls, Trustees, to William Watkins, and running thence binding on said
land as now surveyed South fifty-four and one-half degrees East two thousand
one hundred and sixty-nine feet to a stone; thence North thirty-four and
one-half degrees East three thousand one hundred and thirty-five feet; thence
South fifty-five and one-half degrees East six hundred and sixty feet to
Bakers Spring Branch; thence binding on said branch the fourteen following
courses and distances: North thirty-two degrees forty minutes East one
hundred and sixty-two feet, South seventy-five degrees two minutes East
fifty feet, North fifteen degrees East ninety feet, North fifty-five degrees
twenty minutes East, fifty-four feet, North twenty-two degrees fifty-seven
minutes East one hundred and sixty-eight feet, North forty-one degrees East
one hundred and eighty-five feet, South fifty-five degrees twenty-eight
minutes East one hundred and forty-five feet, North seventy-two degrees
fifty-eight minutes East forty and five-tenths feet, North twenty-eight
degrees East one hundred and twenty-five feet, North seventeen degrees East
one hundred and six feet, North fifty-four degrees fifteen minutes East
twenty-five feet, North eighteen degrees thirty minutes East ninety-nine
feet, North five degrees East one hundred and two feet,
North twenty-three degrees fifteen minutes West sixty-six and five-
tenths feet to the Little Gunpowder Falls, and thence binding on said Falls
the eleven following courses and distances, viz: South eighty-seven degrees
nineteen minutes West one hundred eighty-one and five-tenths feet, South
seventy-four degrees forty-two minutes West one hundred and sixty-five feet,
South sixty-eight degrees fifty-two minutes West three hundred and sixty-
three feet, South sixty-one degrees eleven minutes West two hundred and
fifty-one feet, South forty-eight degrees thirty-four minutes West two
hundred and fifty-three feet, North seventy-seven degrees fifty-six minutes

MICHAEL L. DIPOLA, D.D.S.
8509 HARFORD ROAD
BALTIMORE, MARYLAND 21234
TELEPHONE 668-6840

RECEIVED
ZONING OFFICE
1-31-72 WCR

Mr. Arnold Cabell
Office of Joint Administration
and Development Department
County Office Building
Baltimore, Maryland 21201

Re: 102 Densley Review
of the Small Property
in the Office of Planning and Zoning
100 West Pleasant Avenue
Baltimore, Maryland 21201

Dear Mr. Cabell,

This is in response to your letter dated January 27, 1972, regarding the
102 Densley Review of the Small Property in the Office of Planning and Zoning
in the Office of Planning and Zoning. I am writing to you in light
of the creation of the Planning and Zoning Department.
I am writing to you in light of the creation of the Planning and Zoning Department.
I am writing to you in light of the creation of the Planning and Zoning Department.

During 1971, Mr. Ted Dypall, Jr. had intentions to
sell a large part or all of his 120-acre farm in Pikesville
County. I was involved with Mr. Dypall, and Alexander (phone
516-7345) in determining the plan and final property lines
of the farm. It was stated by both Mr. Dypall and Mr.
Alexander that zoning had permitted only two additional lots
to be subdivided from his farm. Therefore, I would see any
future subdivision or transfer from my name. I reviewed this
with both parties before I purchased my final contract. I
had a recent discussion with Mr. Ted Dypall and he assured
me that he was told that he only had two parcels available at
the time of purchase. I believe this was a field error.
I protest the present change of interpretation of the original
intent for this reason.

Also, I purchased the major part of the farm (120+ acres)
which encompasses one entire plat and part of the plat Mr.
Dypall still retains. Mr. Dypall's basis for request for a
change in density is that he suggests each of his two original
plats has two density units. I purchased one of these plats

NORMAN E. GERBER, AICP
35 Pickburn Court
Cockeysville, MD 21030

Home
(410)667-4232

Business
(410)667-4543

PROFESSIONAL
EXPERIENCE

Preparation of Master Plans and Land Use Regulations

•Prepared comprehensive, policy, small-area, facility and revitalization plans,
capital programs and capital budgets.

•Prepared zoning and development ordinances, agricultural land preservation
and historic district regulations and growth management programs.

•Conducted demographic, transportation, economic and market studies

Implementation of Plans and Programs

•Reviewed and approved new development.

•Enforced zoning, agricultural and historic preservation regulations.

•Negotiated plan and facilities projects with community groups, local and state
legislative bodies and private sector business.

Other

•Testified before local state and national boards, commissions and legislatures
on the behalf of plans and programs

•Testified before boards of appeals, circuit courts and the U. S. Tax Court of
Appeals on land use issues.

•Prepared RFP's, grant applications, selected consultants and administered
contracts.

WORK
EXPERIENCE

2/88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD
Principal

Private practice as planning consultant specializing in land planning, preparation
of land use regulations, property evaluation and expert testimony in zoning and
development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD
The Office of Planning and Zoning
Director

Administered the planning program and enforced the zoning code.

No. 108987

Baltimore County, Md.
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND

LIEN CERTIFICATE

ISSUED TO CLVAHEY

Whereas, application officially numbered as above, now
search of records for taxes and assessments, constituting
and said application being accompanied by a fee of ten dollars.
This is to certify that a search has been made by this office
charges, and assessments which are enumerated below. The
penalties computed to the date of this certificate.

PROPERTY OWNER AND DESCRIPTION
CYPULL, THEODORE L. JR.

17,643 AC ES
PLEASANTVILLE RD & Jimp

Taxes and other charges as itemized on the attached Tax Bill
Taxes and other charges as itemized on the attached Tax Bill
Taxes and other charges as itemized on the attached Tax Bill

The following information pertains to the
current years Taxes paid on this account.

ASSESSMENT 20,245
*TOTAL AMOUNT PAID .00
*WHICH INCLUDES THE FOLLOWING:
METROPOLITAN CHARGES .00
UTILITY CHARGES .00
PAVING CHARGES 170.00

LIEN
Paving C
Special Se
Special Wa

Sewer Area Charge .00
Water Area Charge .00
Deficit Sewer Charge .00
Deficit Water Charge .00
Sewer House Connection .00
Water House Connection .00
Other

DIRECTOR OF FINANCE

ORIGINAL

No. 108988

Baltimore County, Md.
OFFICE OF FINANCE
Revenue Division
COURT HOUSE
TOWSON, MARYLAND

LIEN CERTIFICATE

ISSUED TO CLVAHEY

Whereas, application officially numbered as above, now
search of records for taxes and assessments, constituting
and said application being accompanied by a fee of ten dollars.
This is to certify that a search has been made by this office
charges, and assessments which are enumerated below. The
penalties computed to the date of this certificate.

PROPERTY OWNER AND DESCRIPTION
CYPULL, THEODORE L. JR.

78,520 AC SES
PLEASANTVILLE RD

Taxes and other charges as itemized on the attached Tax Bill
Taxes and other charges as itemized on the attached Tax Bill
Taxes and other charges as itemized on the attached Tax Bill

The following information pertains to the
current years Taxes paid on this account.

ASSESSMENT 3,375
*TOTAL AMOUNT PAID .00
*WHICH INCLUDES THE FOLLOWING:
METROPOLITAN CHARGES .00
UTILITY CHARGES .00
PAVING CHARGES .00

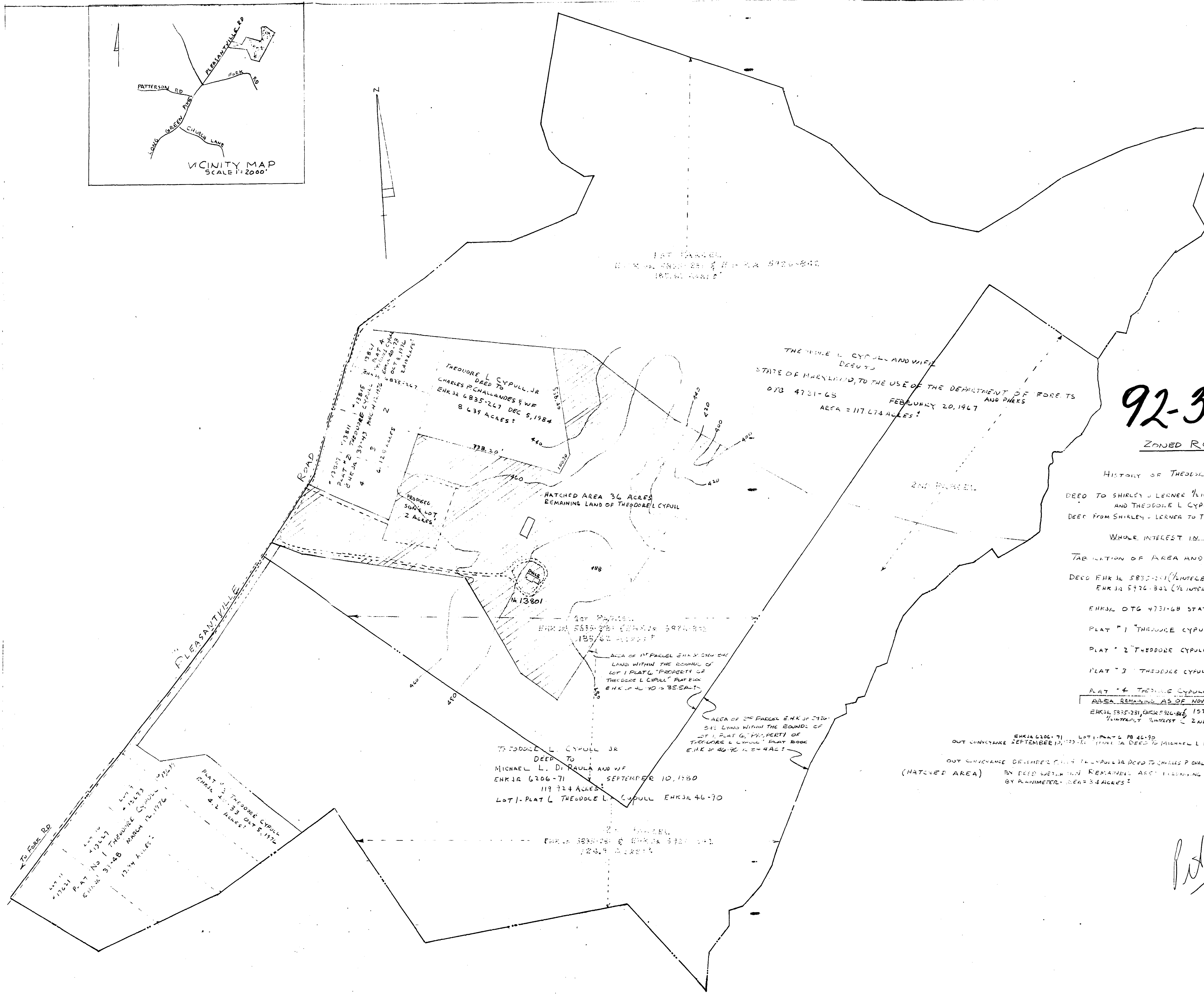
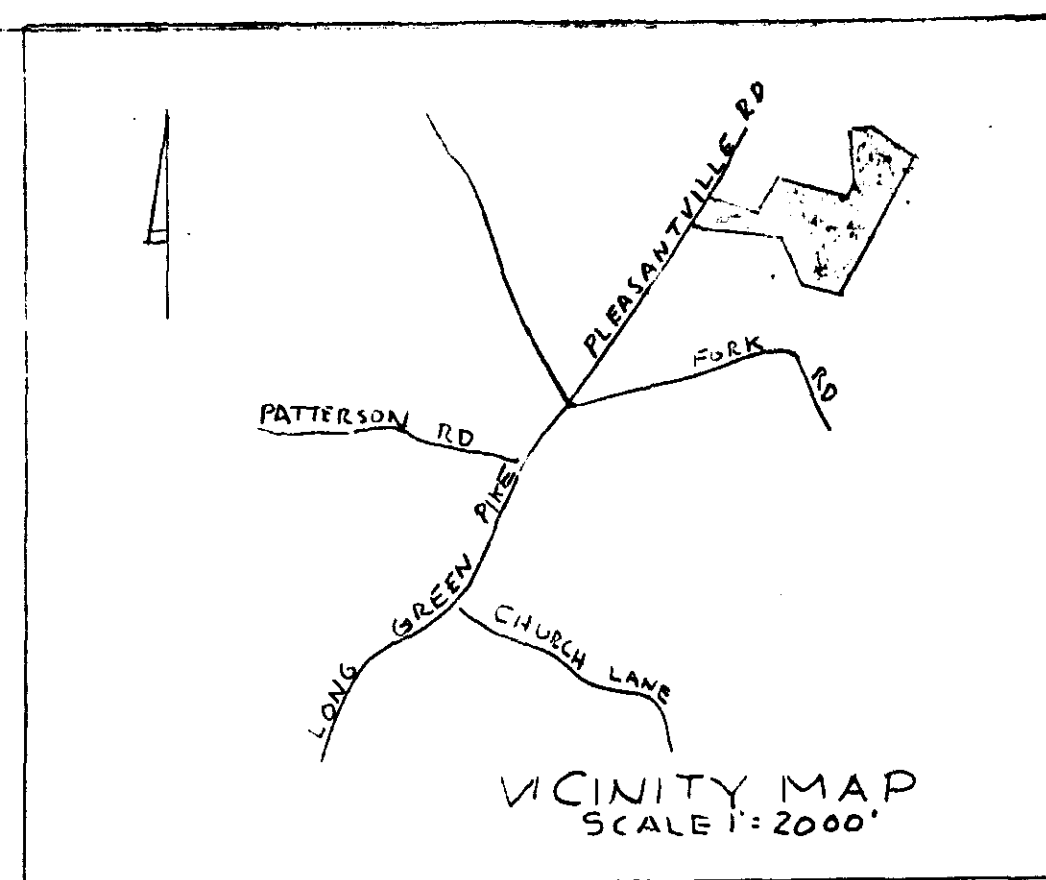
LIEN
Paving C
Special Se
Special Wa

Sewer Area Charge .00
Water Area Charge .00
Deficit Sewer Charge .00
Deficit Water Charge .00
Sewer House Connection .00
Water House Connection .00
Other

DIRECTOR OF FINANCE

ORIGINAL

Mr. Dypall to write a letter explaining the density issue on
the Dypall's lot was only intended to have density and which
the remainder (3 units) remainder is retained by Mr. Dypall.
The letter will be sent to the office and a copy
will be sent to Mr. Dypall. Mr. Dypall, the will respond
explaining the same and density retained available to Mr. Dypall.
Call Mr. Etzel with this info. If necessary from testimony call
copy was sent to Etzel + Jallan (zoning admin.)
1/13/92



92-343-SPH

ZONED RC-2

HISTORY OF THEODORE L. CYPULL JR. PROPERTY

DEED TO SHIRLEY J. LERNER 1/4 INTEREST EHKJL 5835-281
AND THEODORE L. CYPULL JR. 1/4 INTEREST DEC 2, 1977
DEED FROM SHIRLEY J. LERNER TO T. L. CYPULL JR. 1/4 INTEREST JULY 19, 1979 EHKJR 5926-842

WHOLE INTEREST IN TITLE OF THEODORE L. CYPULL JR.

TABULATION OF AREA AND DENSITY

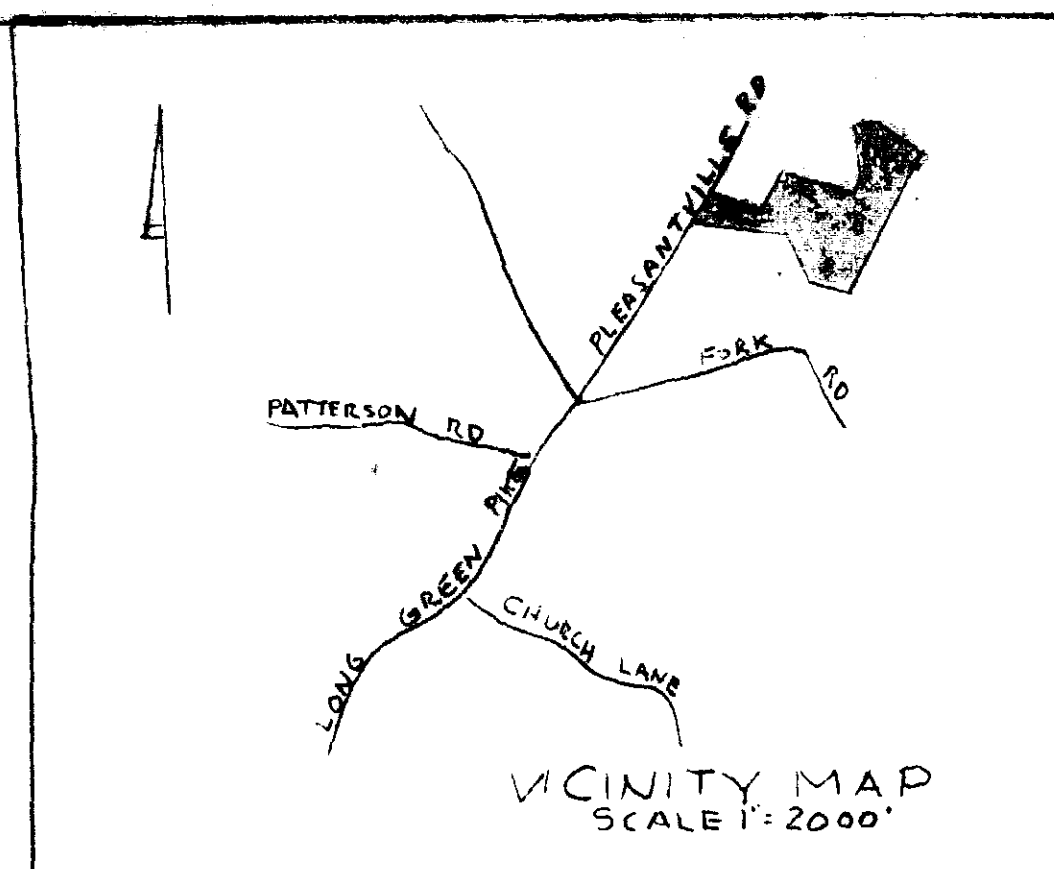
DEED EHKJR 5835-281 (1/4 INTEREST)	1ST PARCEL	185.02 ACRES	
EHKJR 5926-842 (1/4 INTEREST)	2ND PARCEL	124.7 ACRES	
		310.52 ACRES	
EHKJR DTG 4731-65 STATE OF MD 2-29-1967		117.674 ACRES	
PLAT "1" THEODORE CYPULL 3-12-1974		192.846 ACRES	
PLAT "2" THEODORE CYPULL 3-12-1974		178.906 ACRES	
PLAT "3" THEODORE CYPULL 10-5-1976		172.779 ACRES	
PLAT "4" THEODORE CYPULL 10-5-1976		168.578 ACRES	
AREA REMAINING AS OF NOV 25, 1977		166.160 ACRES	
EHKJR 5835-281, EHKJR 5926-842	1ST PARCEL	80.16 ACRES	2
1/4 INTEREST 1/4 INTEREST	2ND PARCEL	86.0 ACRES	2
	TOTAL	166.160 ACRES	4 DENSITIES
OUT CONVEYANCE SEPTEMBER 10, 1980	LOT 1, PLAT 4, PG 46-70	119.724 ACRES	1 DENSITY
OUT CONVEYANCE DECEMBER 2, 1980	LOT 2, PLAT 4, PG 46-70	46.436 ACRES	1 DENSITY
(HATCHED AREA)	BY DEED SETTING IN REMAINING AREA	8.432 ACRES	1 DENSITY
	BY PLUMETER - BEAR 34 ACRES	16.907 ACRES	2 DENSITIES

Plat No 6

AREA BREAKDOWN LOT 1: DECEMBER 19, 1990
SCALE 1:200 OCTOBER 4, 1990

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204

Exhibit # 7



ZONED RC-2

HISTORY OF THEODORE L. CYPULL JR. PROPERTY

DEED TO SHIRLEY J. LERNER 1/2 INTEREST
AND THEODORE L. CYPULL JR. 1/2 INTEREST DEC. 2, 1977
DEED FROM SHIRLEY J. LERNER TO T. L. CYPULL JR. 1/2 INTEREST JULY 19, 1979 ENK 5926-842

WHOLE INTEREST IN TITLE OF THEODORE L. CYPULL JR.

TABULATION OF AREA AND DENSITY

DEED ENK 5835-281 (1/2 INTEREST)	1ST PARCEL	185.02 ACRES	
ENK 5926-842 (1/2 INTEREST)	2ND PARCEL	124.9 ACRES	
		310.92 ACRES	
ENK 5926-842 STATE OF MD 12-29-96		117.674 ACRES	
		192.846 ACRES	
PLAT "1" THEODORE CYPULL 3-12-1976		12.24 ACRES	
		178.906 ACRES	
PLAT "2" THEODORE CYPULL 3-12-1976		6.128 ACRES	
		172.778 ACRES	
PLAT "3" THEODORE CYPULL 10-5-1976		4.2 ACRES	
		168.578 ACRES	
PLAT "4" THEODORE CYPULL 10-8-1976		2.418 ACRES	
AREA REMAINING AS OF NOV 25, 1979		166.160 ACRES	
ENK 5835-281, ENK 5926-842 1ST PARCEL =		80.16 ACRES	DENSITY 2
1/2 INTEREST 2ND PARCEL =		86.0 ACRES	2
TOTAL		166.160 ACRES	4 DENSITY
OUT CONVEYANCE SEPTEMBER 10, 1980 - T. L. CYPULL JR. DEED TO MICHAEL L. D. PAULA JR.		120.714 ACRES	-1 DENSITY
		45.446 ACRES	
OUT CONVEYANCE DECEMBER 5, 1984 - T. L. CYPULL JR. DEED TO CHARLES P. CHALLANDES & WIFE		8.637 ACRES	-1 DENSITY
(HATCHED AREA) BY DEED SUBSTITUTION REMAINING AREA BELONGING T. L. CYPULL JR.		36.807 ACRES	2 DENSITY
BY PLANIMETER AREA = 34 ACRES			

LOTS OF RECORD 11/25/79

1ST PARCEL 80.16 AC.
2ND PARCEL 86.0 AC.

AREA BREAKDOWN LOT 1: DECEMBER 19, 1979
SCALE 1:200 OCTOBER 1979





we should write us a letter if request we will write back
and send copies to Repulse one down, must fix
Repulse based upon record plan!

ZONED RC-2

HISTORY OF THEODORE L CYPULL JR PROPERTY

DEED TO SHIRLEY J LERNER 1/2 INTEREST } ENK JR 5835-281
AND THEODORE L CYPULL JR 1/2 INTEREST } DEC 2, 1977
DEED FROM SHIRLEY J LERNER TO T L CYPULL JR (1/2 INTEREST) JULY 15TH, 1978 ENK JR 592C-842

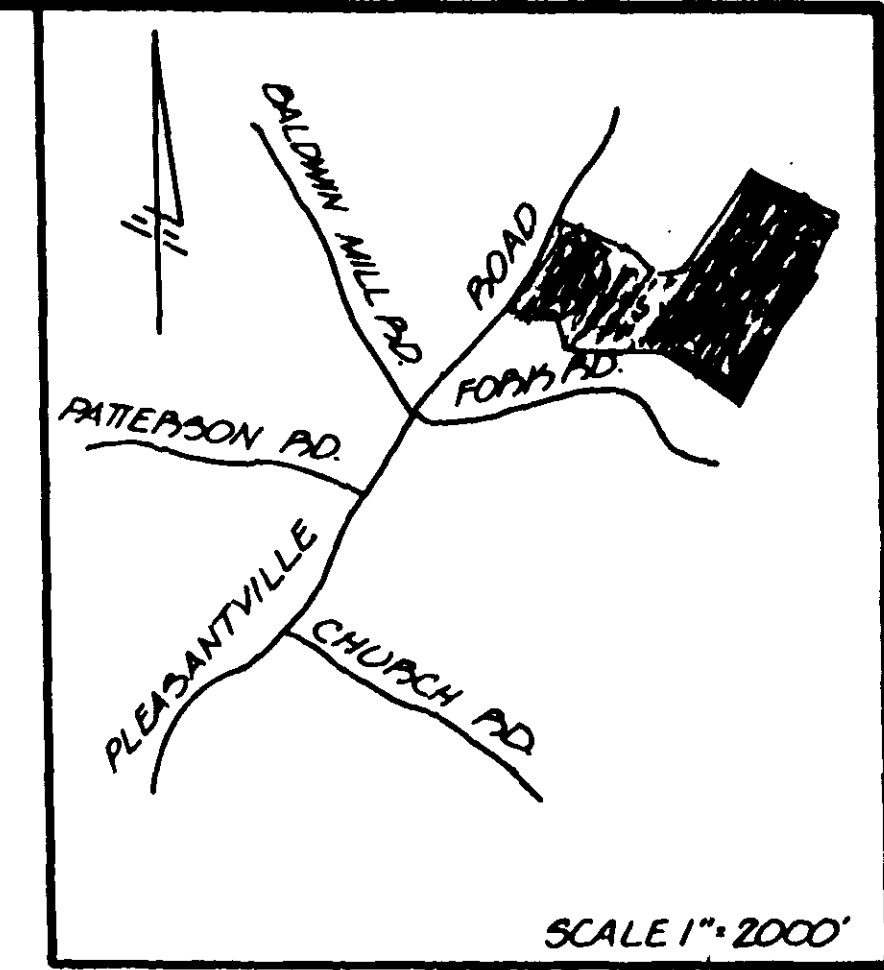
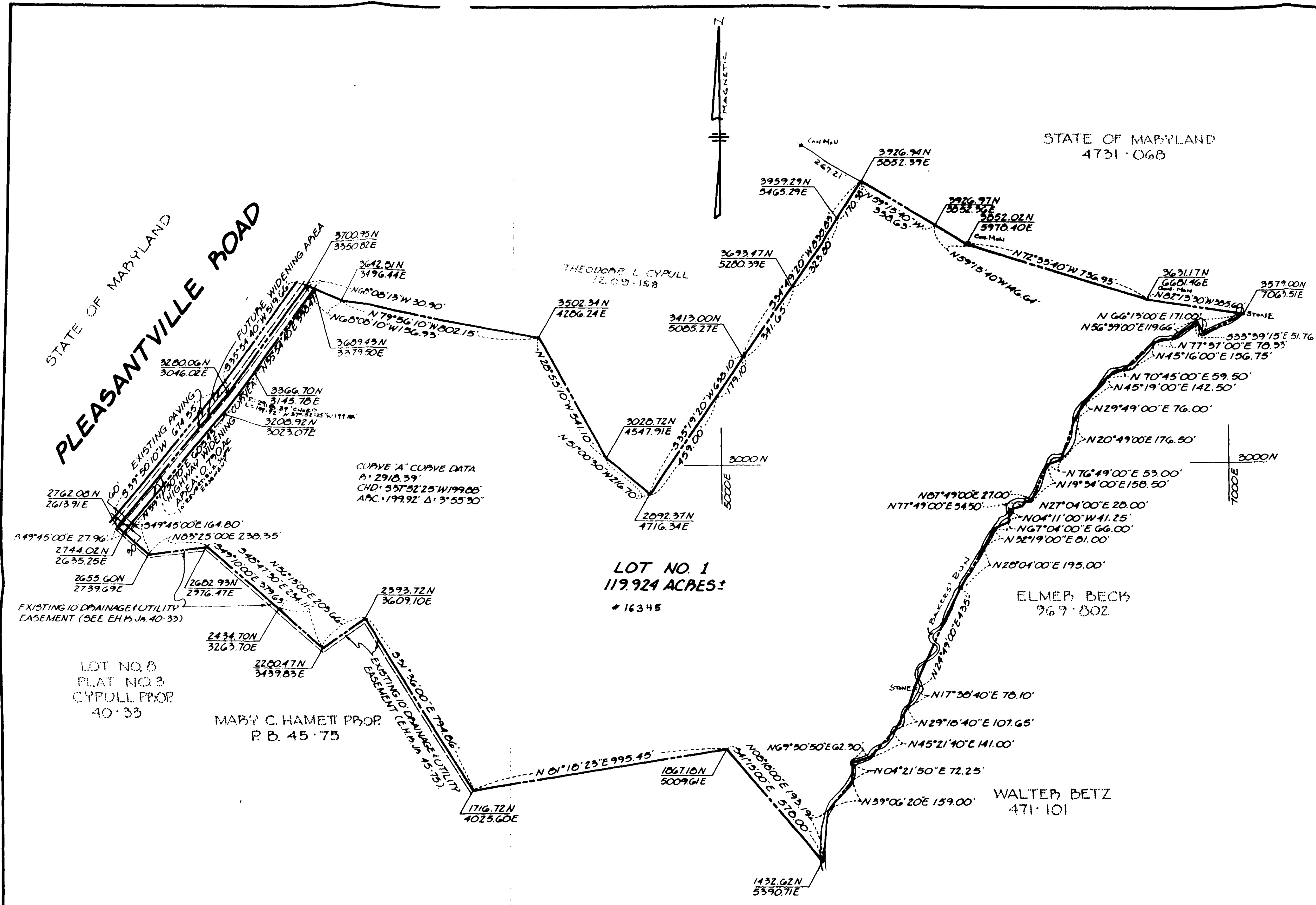
WHOLE INTEREST IN TITLE OF THEODORE L. CYPOLL JR

TABULATION OF AREA AND DENSITY

DEED EHX 32 5832-281 (1/4 INTEREST)	1ST PARCEL	185.52 ACRES	
EHX 32 5924-841 (1/4 INTEREST)	2ND PARCEL	124.9 ACRES	
		310.92 ACRES	
EHX 32 DTG 4731-69 STATE OF MO 3-20-167		117.624 ACRES	
		192.846 ACRES	
PLAT " 1 " THEODORE CYPULL 3-12-1976		112.88 ACRES	
		178.904 ACRES	
PLAT " 2 " THEODORE CYPULL 3-12-1976		612.8 ACRES	
		172.778 ACRES	
PLAT " 3 " THEODORE CYPULL 10-5-1976		4.2 ACRES	
		148.578 ACRES	
PLAT " 4 " THEODORE CYPULL 10-9-1976		2.418 ACRES	
<u>AREA REMAINING AS OF NOV 26, 1979</u>		146.160 ACRES	DENSITY
EHX 32 5832-281, EHX 32 5924-841 1ST PARCEL =		80.16 ACRES	2
1/4 INTEREST 1/4 INTEREST 2ND PARCEL =		86.00 ACRES	2
	TOTAL	166.160 ACRES	4 DENSITIES
71.1980 - TL CYPULL 32 DEED TO MICHAEL L D PAUW		120.714 ACRES	-1 DENSITY
		45.444 ACRES	
5.1584 TL CYPULL 32 DEED TO CHARLES P CHALLANDES GWF		9.639 ACRES	-1 DENSITY
FRACTION REMAINING AREA BELONGING TL CYPULL 32		36.807 ACRES	2 DENSITIES
2-AREA = 34 ACRES			

SCALE 1:200 OCTOBER 4, 1990

GEMFOLD, GROSS & EYRE
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204



E.H.K., JR. 46 FOLIO 90.
Filed for record
Date AUG 18 1980
Text
[Signature]
PLAT # 6
PROPERTY OF
THEODORE L. CYPULL
11TH ELECTION DISTRICT
SCALE 1"=200'
BALTIMORE COUNTY, MD.
JULY 9, 1980
Prox 1

NOTE: HIGHWAY AND HIGHWAY WIDENING SLOPE EASEMENT SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTO. CO. MD. THE DEVELOPER, ITS SUCCESSORS, AND ASSIGNS, SHALL CONVEY SAID AREAS, BY DEED, TO BALTO. CO. MD. AT NO COST.

ZONED RC2
GROSS AREA 119.924 AC.
NO. OF LOTS 1
DENSITY .006
P.W.A. Completed *[Signature]*
Final Plat Checked *[Signature]*
Engineering *[Signature]*
Survey Date *7/21/80*

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and/or sewerage systems must be complied with prior to approval of building applications.

DRAINAGE AREA: LITTLE GUNPOWDER FALLS
DEED REFERENCE 5926-842

<p>SURVEYOR'S CERTIFICATE: I, CARL GERHOLD, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAYOUT AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATING TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL NO. 459, CH. 106, OF THE ACTS OF 1945 AND SUBSEQUENT ACTS AMENDATORY THERETO.</p> <p><i>Carl L. Gerhold</i> REG. PROF. LAND SURVEYOR #2000 DATE 7/19/80</p>	<p>OWNER'S CERTIFICATE: THE REQUIREMENTS OF SECTION 59 TO 62, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1957 EDITION (TITLE: CLERKS OF THE COURT, SUB-TITLE: CLERKS OF CIRCUIT COURTS) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.</p> <p><i>Theodore L. Cypull, Jr.</i> OWNER THEODORE L. CYPULL, ET AL. PLEASANTVILLE RD., BALDWIN MD.</p>	<p>NOTES: STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.</p> <p>THE COORDINATES SHOWN ON THIS PLAT ARE BASED ON AN ASSUMED SYSTEM.</p>	<p>HIGHWAY'S DEPARTMENT OF BALTO. CO. APPROVED FOR STREET ALIGNMENT LOCATION <i>[Signature]</i> DATE 7/16/80</p> <p>APPROVED FOR BALTO. CO. HEALTH DEPT. <i>[Signature]</i> DATE 7/16/80</p> <p>APPROVED FOR BALTO. CO. PLANNING DEPT. <i>[Signature]</i> DATE 7-18-80</p>	<p>GERHOLD, CROSS & ETZEL REGISTERED LAND SURVEYORS 412 DELAWARE AVE. TOWSON, MD. 21204</p>
--	--	--	--	--

tence of the record plat recorded by Mr. Cypull in August 1980, prior to the conveyance. As noted, both the Deed and Confirmatory Deed reference this Plat and, by implication, the density calculations thereon. Further, testimony was presented regarding a subdivision of the remaining Cypull tract in 1984 to Mr. and Mrs. Charles P. Challandes. If the DiPaulas obtained three density units, then this subdivision was illegal. However, the conveyance was made and Mr. and Mrs. Challandes took title to an 8.639 acre parcel. Further, there was no appeal or contest of that transfer by the DiPaulas in 1984, as is present in the case before me, wherein Mr. and Mrs. DiPaula object to Mr. Cypull's proposed subdivision to create a buildable lot for his son. For all of these reasons, I am persuaded to conclude that Mr. Cypull retained two density units, both of which have been utilized, one by the Challandes and one by the remaining tract, and two by the DiPaulas. Thus, I shall grant the Petition for Special Hearing in accordance with the findings and conclusions set forth hereinabove.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of September, 1992, that the Petition for Special Hearing to determine the application of R.C.2 density regulations to the Petitioners' property known as 13713 Pleasantville Road, which contains approximately 120 acres, and an adjacent property owned by Theodore L. Cypull, Jr. known as 13801 Pleasantville Road, which contains approximately 45 acres, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such

- 8 -

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioners would be required to file a new Petition.

2) Pursuant to Section 502.2 of the B.C.Z.R., new deeds clearly identifying the Cypull, Challandes and DiPaula properties, and the density units available thereto as provided herein, shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. A copy of the recorded deeds shall be forwarded to the Zoning Commissioner's Office for inclusion in the case file. Further, said deeds shall reference this case and the findings, conclusions, restrictions and conditions of the relief granted herein.

IT IS FURTHER ORDERED that the application of the R.C.2 zoning classification and the B.C.Z.R. to the subject properties results in the following density utilizations:

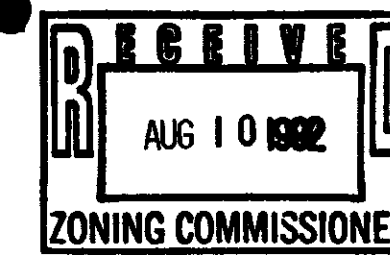
- a) One (1) density unit has been utilized by way of the conveyance of the 8.639 acre tract to Charles P. Challandes;
- b) One (1) density unit remains in the Theodore L. Cypull, Jr. tract, which may not be further subdivided; and,
- c) Two (2) density units exist in the tract owned by Mr. and Mrs. Michael DiPaula, which may be subdivided to create two lots.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LEN:bjs

ORDER RECEIVED FOR FILING
Date 9/30/92
By [Signature]

- 9 -



IN RE: PETITION FOR
RC 2 Density Review
Cypull Property

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO: 92-343-SPH

MEMORANDUM

This case comes before the Zoning Commissioner for a Special Hearing to determine the proper allocations of the densities of the Cypull and DiPaula properties and to disapprove a letter by the former Zoning Supervisor, James E. Dyer in his determination of the densities, and further subdivision of the Cypull property.

The real issue in this case evolves around the determination of the densities that were available in this RC 2 zone on the two (2) parcels previously owned by Theodore L. Cypull, hereinafter referred to as "Cypull". Cypull now desires to create an additional lot for future development out of one (1) of the original parcels. The issue to determine is to who has the densities/lots from the original two (2) parcels resulting from the sale of the property from Cypull to Dr. Michael L. DiPaula and Nancy DiPaula, his wife, hereinafter referred to as "DiPaula".

It is without question that there were two (2) lots of record in existence as of November 24, 1979 when the RC 2 Zoning Regulations came into effect. Those two (2) parcels contained

LAW OFFICE
DARRYL G. FLETCHER, P.A.
8908 HANFORD ROAD
BALTIMORE, MARYLAND 21284
410 882-2000

80.16 acres and the second parcel contained 86 acres. (See Petitioner's Exhibit No. 4 and No 5). It is important to note that as of November 24, 1979, the date when the Zoning Regulations came into effect, this property was under contract to DiPaula. DiPaula having contracted to purchase 120 acres, more or less, from Cypull on April 17, 1979. (See Petitioner's Exhibit No. 1). The property DiPaula purchased encompasses all of one (1) lot containing 86 acres, and 34.714 acres of the second lot. It is further significant that the Contract of Sale entered into between the parties specifically conveyed, "together with all rights and appurtenances thereto belonging or in anywise thereto appertaining". Nowhere in the Contract is there any reservation of any density, or any limitations on the zoning or development rights concerning the property. It is important to note that DiPaula by reason of his Contract of Sale had at least equitable title to this property when the Zoning Regulations came into effect.

Settlement between DiPaula and Cypull occurred on September 10, 1980 and by Deed dated September 10, 1980, legal title to the 120 acres was conveyed from Cypull to DiPaula. (See Petitioner's Exhibit 2). The subject Deed refers to Lot 1 of Plat 6 on the property of Theodore L. Cypull. This Deed although referring to Lot 1, was in fact a conveyance of all of one (1) parcel and part of the second parcel, as evidenced by the Lien Sheet (See

LAW OFFICE
DARRYL G. FLETCHER, P.A.
8908 HANFORD ROAD
BALTIMORE, MARYLAND 21284
410 882-2000

Petitioner's Exhibits 12 and 13) used in the recording of this transfer. The Deed from Cypull to DiPaula again clearly does not reserve any densities nor attempt to transfer any densities from the lots in question. It is clear from the testimony of Norman E. Gerber, who was qualified as an expert to testify for the Petitioner, that there were no hearings of record instituted by Cypull to reserve, transfer, or otherwise modify the densities belonging to the original two (2) parcels of ground. Cypull did not offer any evidence, nor does he allege that any such application was ever made to the Zoning Office for the transfer or reservation of densities arising out of these two (2) lots.

Cypull offers the record plat alleging the conveyance of only one (1) lot to DiPaula. It is interesting to note that the record plat does not contain any restrictions on the rights to the number of future lots conveyed nor does it make any reservation of the densities to Cypull. This record plat is also void of the signature of DiPaula, who was the contract purchaser, and whose approval must have been obtained and included prior to the proper recording of this record plat.

Subsequent to the transfer to DiPaula, a subsequent sale of additional property of approximately 8.6 acres was made by Cypull to Challandes on December 5, 1984. This illegal sub-division, was never submitted to, approved by, or authorized by the Zoning Board or any other governmental authority authorizing this further sub

division of the Cypull property (Copy of this Deed attached).

This hearing was necessitated by the letter of James E. Dyer, dated January 22, 1992. This letter was based on incorrect information provided to the Zoning Office by Cypull. Dyer relied upon the incorrect information that the lot conveyed to DiPaula and Challandes were only one (1) density each. The Cypull letter of January 2, 1992 (Petitioner's Exhibit 9) contains clearly erroneous information upon which James Dyer relied. It is interesting to note that DiPaula was the only party notified of the letter of James Dyer, and why Challandes, or the other adjoining property owners were not notified of the proposed decision by the Zoning Office.

It is also interesting to note that contained in the Contract of Sale and in the Confirmatory Deed, (Petitioner's Exhibit 3), Cypull grants to DiPaula, "the right to use said existing lane of the grantor which is contiguous to property referred to herein for ingress and egress, with grantee to pay one-half (1/2) of road maintenance, pro-rated for the amount of use. In the event the property referred herein is sub-divided, the use of said existing lane shall be for the benefit of the original homesite only and shall not be used to service any other lots." This language in the conveyance from Cypull to DiPaula clearly indicated an acknowledgment by Cypull of the further ability to sub-divide the DiPaula property into two (2) additional building lots at a future

LAW OFFICE
DARRYL G. FLETCHER, P.A.
8908 HANFORD ROAD
BALTIMORE, MARYLAND 21284
410 882-2000

time. This clearly is contradictory to Cypull's position at this time that he only conveyed one (1) lot to DiPaula. It is without question that there were originally two (2) parcels in this RC 2 Zone. Each parcel contained two (2) densities. It is further, without question, that Dr. DiPaula purchased all of one (1) parcel, containing 86 acres, and the two densities that went with that lot. DiPaula further purchased 34 acres of the second lot, and one (1) density of the second parcel, which left Cypull with only one (1) density which he used for his residence which existed on the subject property. There were no further densities for Cypull to do any further development or sub-division. The sale of the lot to Challandes in 1984, was illegal and without authorization, and should never have been done by Cypull. This further sub-division, was never approved by the Zoning Office, or any other agency authorizing this further sub-division. It clearly was not a density out of the property then owned by DiPaula. It could not have been a density from Cypull as he had none.

It is clear in the RC 2 Regulation, that clustering is not allowed under RC 2 Zoning. The densities must remain within the boundaries of the original lot of record. See un-reported opinion of the Court of Special Appeals of Maryland, No. 396, September Term 1990, Gudeman v People's Council for Baltimore County. In that case, the Honorable Judge Barbara Howe for the Circuit Court had found that there was no provision in the Zoning Regulations

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that permits the transfer of densities in RC 2 Zoning from one parcel to another and that the Zoning Commissioner could not allow such transfers under the guise of policy. The Court of Special Appeals declined to rule on that part of Judge Howe's decision as it became a moot issue in the case.

CONCLUSION

It is therefore respectfully submitted that the letter of James Dyer, authorizing the further development of the Cypull property, must be determined to have been issued in error, and such authorization for the further development of the Cypull property must be denied. It is clear that DiPaula obtained a total of three (3) densities from the two (2) parcels, using one (1) for his homesite, and retaining two (2) additional densities for future development. The illegal sub-division by Cypull of the Challandes lot cannot be considered a density which arose out of the original four (4) densities in these two (2) parcels. Cypull did not have the authority nor did he ever receive the authority from the Zoning Office for the creation of this additional sub-division. This density and the additional density that he now seeks cannot be taken from DiPaula. There was never a hearing or prior reservation of the densities by Cypull, and he cannot come back after the fact and attempt to recapture them from DiPaula.

It is respectfully submitted that Cypull be denied the further sub-division of his property and that the Zoning Commissioner

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determine that DiPaula purchased a total of three (3) densities from Cypull, and has retained all of them.

Respectfully Submitted:

[Signature]
DARRYL G. FLETCHER
8905 Harford Road
Baltimore, Maryland 21234
Attorney for Petitioner
(410) 882-2000

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 10 day of August, 1992 a copy of the foregoing Memorandum was mailed, postage prepaid, to Bruce Alderman, Esquire 108 W. Timonium Road, Suite 200, Timonium, Maryland 21093.

[Signature]
DARRYL G. FLETCHER

LAW OFFICES
DARRYL G. FLETCHER, P.A.
8905 HARFORD ROAD
BALTIMORE, MARYLAND 21234
410-882-2000

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 30, 1992

Darryl G. Fletcher, Esquire
8905 Harford Road
Baltimore, Maryland 21234

RE: PETITION FOR SPECIAL HEARING
E/S Pleasantville Road, 1900' NE of Fork Road
(13713 and 13801 Pleasantville Road)
11th Election District - 6th Councilmanic District
Michael DiPaula, et ux - Petitioners
Case No. 92-343-SPH

Dear Mr. Fletcher:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: R. Bruce Alderman, Esquire
Thomas Alderman, Esquire
300 Allegheny Avenue, Towson, Md. 21204

Mr. John F. Etzel
Gerhold, Cross & Etzel
412 Delaware Avenue, Towson, Md. 21204

People's Counsel

File

Petition for Special Hearing

- 92-343-SPH

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve, disapprove the Zoning Supervisor, James E. Dyer's letter of January 22, 1992 and determine the application of R.C. 2 density regulations to the Cypull and DiPaula property as shown on the accompanying plat.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

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City and State

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